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JOURNAL

OF

THE CONVENTION

TO FORM

A NEW CONSTITUTION

FOR THE

STATE OF LOUISIANA.

*Constitutional convention 1852.*

[ OFFICIAL. ]

NEW ORLEANS:

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## JOURNAL OF THE STATE CONVENTION.

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MONDAY, 5th July, 1852.

This being the day fixed by the 9th section of the Act entitled "an Act to take the sense of the people on the expediency of calling a Convention to change the Constitution and to provide for the election of Delegates and the holding of the Convention"—the Convention met accordingly at the Seat of Government, in the town of Baton Rouge, parish of East Baton Rouge.

On motion of Mr. King, representative delegate from the parish St. of Landry, Mr. F. D. Conrad, delegate from the parish of East Baton Rouge, was appointed President pro tem, and Mr. John E. Layet was appointed Secretary pro tem.

The same delegate then moved that the call of the Senatorial and Representative Delegates be made by parishes, which motion prevailed.

On the call of the roll the following delegates were present and answered to their names, viz :

SENATORIAL DISTRICTS.—Chas. Bienvenu, Plaquemine, St. Bernard and Orleans, right bank; J P Benjamin, C Dufour, L Matthews, C Roselius, Parish of Orleans; F Dugue, F Gardere, Jefferson and St. Charles; D F Kenner, A B Roman, St. John the Baptist, St. James and Ascension; George S Guion, B G Thibodaux, Assumption, Lafourche Interior and Terrebonne; W J Lyle, W R Stewart, Iberville and West Baton Rouge; A S Herron, East Baton Rouge and Livingston; H Thompson, St. Helena, Washington and St. Tammany; Edward Deloney, East Feliciana; P. C. Smith, West Feliciana; S Van Winkle, Pointe Coupee; S W Dorsey, Concordia and Tensas; W S Parham, Madison and Carroll; M H Dossion, Catahoula, Franklin and Caldwell; R W Richardson, Ouachita, Morehouse, Union, and Jackson;

M Sandidge, Claiborne, Bossier and Bienville; D F Roysdon, Caddo, De Soto, and Sabine; C A Bullard, Natchitoches; R H Sibley, J P Waddill, Rapides and Avoyelles; T C Anderson, C D Tatman, St Landry and Calcasieu; A J Moss, Lafayette and Vermillion; Alexander Declouet, St. Martin; W T Palfrey, St. Mary.

REPRESENTATIVE DELEGATES.—M Ronquillo, C G Villere, Plaquemines; A Marrero, St. Bernard; Chas Robinson, Orleans right bank; D Byrne, A McIlhenny, Orleans first district; C J Leeds, E A Bradford, N R Jennings, Orleans second district; R Hunt, J W Price, H T Hayes, S G Risk, Alex Brother, W H Avery, Orleans third district; M C Edwards, J W Andrews, H B Eggleston, Orleans fourth district; J M Lapeyre, F Buisson, Robert Preaux, Orleans fifth district; T W Collens, Henry St Paul, Orleans sixth district; H C Castellanos, Eugene Staes, Orleans seventh district; John B Leefe, George Lustis, jr, Orleans eighth

district; M Hernandez, Orleans ninth district; J B Cotton, L A Besancon, Jefferson; George Rixner, St Charles; C L Bodousquie, St John the Baptist; George Mather, J S Armant, St James; Edward Duffel, Ascension; W W Pugh, D LeBlank, C Dalferes, Assumption; H Bernard, P B Key, J S Williams, Lafourche Interior; G F Connely, Terrebonne; P O Herbert, A Talbert, Iberville; J L Lobdell, West Baton Rouge; R G Beale, F D Conrad, East Baton Rouge; D Addison, Livingston; F H Hatch, St. Helena; N S Edwards, Washington; J R Jones, St Tammany; W Patterson, A G Patterson, A G Carter, E. Feliciana; U B Phillips, W. Feliciana; B B Simms, J L Mathews, Pointe Coupee; H B Shaw, Concordia; L V Reeves, Tensas; Robert Anderson, Carroll; J G Taliafero, Wm Beard, Catahoula; J M Shelton, Franklin; W H Hough, Caldwell; T C Scarborough, Ouachita; R B Todd, Morehouse; W W Farmer, Union; P G King, Jackson; P T Harris, R A Hargis, Claiborne; Benj W Pierce, Bienville; Robert Hodges, Bossier; W R Douglass, Caddo; D B McMillen, De Soto; J R Smart, E C Davidson, Sabine; J G Campbell, Solon Bartlett, Natchitoches; A J Isaacks, W W Whittington, Rapides; John H Boyer, Avoyelles; John E King, C L Swazey, E H Martin, J Akenhead, St Landry; A Pujo, Calcasieu; B P Paxton, Lafayette; H H Wilcoxon, Vermillion; E Monge, C M Olivier, T C Nichols, St Martin; D D Richardson, J G Olivier, St Mary; Ralph Smith, Winn.

RECAPITULATION.—32 Senatorial Delegates, and 93 Representatives Delegates.

Mr. Sandidge, Senatorial Delegate from the parishes of Claiborne, Bossier and Bienville, offered the following resolution, which was read, and on motion adopted :

*Resolved*, That the persons whose names are reported in the lists certified by the Secretary of State, as being correct, according to the returns made to his office, be recognized, without further inquiry, as delegates to this Convention, subject, however, to the contestation of such right, should any be instituted.

On motion of Mr. King, of St. Landry, the Convention proceeded to the election, *viva voce*, of a President, and the same delegate nominated Mr. D. F. Kenner, Senatorial Delegate from the Parishes of St. John the Baptist, St. James, and Ascension; and Mr. Phillips, of West Feliciana, nominated Mr. A. G. Carter, representative delegate from the Parish of East Feliciana.

On calling the roll, it appeared that Messrs. Armant Anderson of St Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Bradford, Benjamin, Bernard, Brother Boudousquie, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Doug-



lass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Gardere, Guion, Hayes, Harris, Hernandez, Hodges, Hunt, Jennings, Jones, Key, King of St Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Mather, Monge, Nichols, Olivier of St Mary, Olivier of St Martin, Palfrey, Preaux, Price, Pujo, Richardson of St Mary, Rixner, Risk, Roselius, Roman, Roysden, St Paul, Staes, Swazey, Shaw, Scarborough, Smith of West Feliciana, Tatman, Taliafero, Thibodaux, Thompson, Todd, Williams, and Wilcoxon. 75 delegates voted for D F Kenner.

And Messrs. Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Cotton, Dalferes, Delony, Dosson, Eustis, Farmer, Hatch, Hargis, Herron, Hebert, Hough, Isaacks, Kenner, King of Jackson, LeBlanc, McMillen, Mathews of Pointe Coupee, Marrero, Moss, Parham, Paxton, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson of Ouachita Morehouse, Rouguillo, Robinson, Sandidge, Smart, Shelton, Smith of Winn, Selbey, Simms, Stewart, Talbot, VanWickle, Villere and Wittington. Forty-eight delegates voted for Mr. A. G. Carter.

And Mr. Carter, one, voted for Mr. P. O. Hebert.

Mr. Kenner having received the majority required, was declared duly elected President of the Convention, and took his seat.

Mr. Kenner returned thanks to the Convention for the honor conferred on him, as follows :

*"Gentlemen of the Convention : I tender you my sincere thanks for the manifestation of your confidence in electing me as your presiding officer."*

"In rising to address you, so unexpectedly to myself, it is not my purpose to make a set speech, but only to say that I promise zeal, fidelity and strict impartiality in the discharge of the arduous duties to which you have called me. As to my qualifications, I shall say nothing, for, on the one hand, self-praise would be exceedingly unbecoming, so on the other, self-disparagement is usually considered as uncandid.

"I shall proceed then, gentlemen, to discharge the duties of the office to which you have raised me, with such ability as I possess, relying with confidence on your support when I shall be right—on your kind indulgence, when I shall be wrong.

In conclusion, allow me to impress upon you the results of my legislative experience, that much of the ease and dispatch with which legislative business is conducted, depends upon the disposition of the members themselves to maintain order and to comply rigidly with parliamentary rules."

On motion of Mr. King of St. Landry, the convention proceeded to the election of a Secretary, and the same delegate nominated Mr. John C. Layet.

On the roll being called it appeared that the following delegates voted for Mr. Layet.

Messrs. D. F. Kenner of Ascension, President, Armant, Anderson, Akenhead of St. Landry and Calcasieu, Avery, Andrews, Anderson of Carroll, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Cotton, Connely, Conrad, Dalferes, Davidson, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King of St Landry, King of Jackson, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle,

McIlhenny, McMillen, Mathews of Orleans, Mathews of Pointe Coupee, Marrero, Martin, Mather, Moss, Monge, Nicholls, Olivier of St Martin, Olivier of St Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Phillips, Pujo, Pugh, Reeves, Richardson of O M W and J, Richardson of St Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Swazey, Smart, Shaw, Scarborough, Shelton, Smith of W. Feliciana, Smith of Winn, Sibley, Stewart, Tatman, Talbot, Taliafero, Thibodaux, Thompson, Todd, Van Wickle, Villere, Williams, Wittington, and Wilcoxon, 120 votes.

And Messrs. Besançon and Hebert, 2, voted for Mr. Horatio Davis.

And Messrs. Carter, Delony and Hatch, 3, voted for Mr. H. Skipwith.

Mr. Layet having received the required majority, was declared duly elected Secretary of the Convention.

Mr. King of St. Landry then moved that the Convention proceed to the election of the Assistant Secretary of the Convention, which motion prevailed

Mr. Castellanos nominated Mr. Jules Cassard.

On the roll being called, it appeared that the Honorable D. F. Kenner of Ascension, President of the Convention, Messrs. Armand, Anderson of St. Landry, Akenhead, Avery, Addison, Bradford, Bartlett, Benjamin, Besançon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Cotton, Connely, Conrad, Dalferes, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hernandez, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Pointe Coupee, Marrero, Martin, Mather, Moss, Monge, Nicholls, Olivier of St Martin, Olivier of St Mary, Parham, Palfrey, Paxton, Preaux, Price, Phillips, Pujo, Pugh, Reeves, Richardson of Ouachita, Richardson of St Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Staes, Smart, Swazey, Shaw, Scarborough, Smith of West Feliciana, Smith of Winn, Sibley, Stewart, Tatman, Talbot, Taliafero, Thibodaux, Thompson, Todd, VanWickle, Villere, Williams, Wittington, Wilcoxon—113, voted for Mr. Jules Cassard.

Mr. Jules Cassard having obtained the unanimous vote of the convention, was declared duly elected Assistant Secretary of the Convention.

On motion of Mr. King of St. Landry, the convention then proceeded to the election of a Printer.

Mr. Castellanos nominated Mr. Joseph Maddox, of the Daily Crescent.

And Mr. Cotton nominated Mr. John G. Fanning, of the Louisiana Statesman.

On the roll being called it appeared that the Hon. D. F. Kenner, President of the convention, Messrs. Armant, Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Bradford, Bartlett, Benjamin, Bernard, Bienvenu, Brother, Boudousquie, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Jr, Farmer, Gardere, Guion, Hatch, Hayes, Harris, Hargis, Hernandez, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King of St Landry, King of Jackson,



Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of Pointe Coupee, Marrero, Martin, Monge, Nicholls, C M Olivier of St Martin, J G Olivier of St Mary, Parham, Palfrey, Patterson, Preaux, Price, Pierce, Phillips, Pujo, Pugh, Reeves, Richardson of Ouchita, Morehouse and Union, Richardson of St Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, St Paul, Staes, Swazey, Shaw, Scarborough, Smith of West Feliciana, Sibley, Stewart, Tatman, Taliafero, Thibodaux, Thompson, Todd, Villere, Williams and Wittington—99 delegates voted for Mr Joseph Maddox.

And Messrs Addison, Besancon, Beale, Beard, Bullard, Cotton, Dalferes, Deloney, Herron, Hebert, Hough, Le Blanc, Moss, Paxton, Robinson, Smart, Shelton, Smith of Winn, Simms, Talbot, Van Wickle—21 delegates voted for Mr John G Fanning.

Mr. Joseph Maddox having obtained the required majority, was declared duly elected Printer of the Convention.

Mr. St. Paul offered the following preamble and resolution, which, after having been read, were, on motion, unanimously adopted :

*Whereas*, News has just reached this city of the death of the Hon. Isaac T. Preston, one of the late Associate Judges of the Supreme Court of Louisiana.

*Be it Resolved*, That, as a token of respect to the lamented deceased, this Convention do forthwith adjourn to tomorrow, the 6th instant, at 10 A.M.

#### TUESDAY, July 6, 1852.

The Convention met pursuant to adjournment.

Present—Hon. Duncan F. Kenner of Ascension, President of the Convention, in the chair; Messrs. Anderson of Saint Landry, Akenhead, Avery, Anderson of Carroll, Armant, Addison, Bradford, Benjamin, Besancon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collins, Cotton, Connely, Conrad, Dalferes, Davidson, Delony, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hunt, Hodges, Isaacks, Jennings, Jones, Key, King of Jackson, King of St. Landry, Lapeyre, Leefe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, McMillen, Matthews of Orleans, Matthews of Pointe Coupee, Marrero, Martin, Mather, Moss, Monge, Nichols, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Phillips, Pujo, Pugh, Reeves, Richardson of O M. W. and G., Richardson of St. Mary, Rixner, Risk, Roselius, Roysden, Roman, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stuart, Tatman, Talbot, Taliafero, Thibodaux, Thompson, Todd, Van Wickle, Williams, Wittington, Wilcoxon—117 delegates.

Mr. Gardere offered the following resolution, which was read, and on motion adopted :

*Resolved*, That the President appoint a committee on contingent expenses of this convention, composed of five members, whose duty shall be to superintend and control the expenditures of the house, and to audit and settle all accounts of the members for their travel to and from the

convention, and their attendance in the convention.

The President appointed on said committee Messrs. Gardere, Roysden, Sibley, LeBlanc, Byrne.

Mr. Sandidge offered the following resolution :

*Resolved*, That this convention adopts temporarily for its government the rules and orders of the House of Representatives of the last Legislature of this State; and that a committee of five members be appointed, with instructions to report permanent rules on to-morrow.

On motion of Mr. Herron the words "House of Representatives of the last Legislature of this State" were stricken out, and the words "Convention of 1845" were inserted in lieu thereof.

And on a further motion, the resolution, as amended, was adopted.

The President appointed on said committee Messrs. Sandidge, King of St. Landry, Carter, Swazey, and Bradford.

Mr. Cotton offered the following resolution :

*Resolved*, That the clergy of the different religious denominations of the town of Baton Rouge be, and they are hereby, invited to attend alternately and open this convention with prayer.

Mr. Preaux offered the following as an amendment to the above resolution :

*Resolved further*, That a copy of this resolution be sent to the clergy of each of the religious denominations in this city, with a request to attend the convention daily.

On motion the amendment was rejected, and on a further motion the original resolution was adopted.

On motion of Mr. King of St. Landry, the convention proceeded to the election of the Sergeant-at-Arms, and the same delegate nominated Mr. Ch. L. Marshall as a candidate.

Mr. Preaux nominated L. Sperier.

Mr. Beale nominated J. Foster.

On the roll being called, it appeared that the following delegates voted for Ch. L. Marshall. Honorable Duncan F. Kenner, President, Messrs. Anderson of Saint Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Bradford, Benjamin, Bernard, Beard, Bienvenu, Brother, Bullard, Byrne, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Dosson, Douglass, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Guion, Hayes, Harris, Hargis, Hebert, Hough, Hodges, Hunt, Jennings, Jordan, Jones, Key, King of St. Landry, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Marrero, Martin, Mather, Nicholls, Olivier of St Martin, Olivier of St Mary, Palfrey, Paxton, Price, Pierce, Phillips, Pujo, Reeves, Richardson of O M W and J, Richardson of St Mary, Roysden, Ronquillo, Robinson, Sandidge, Swazey, Shaw, Scarborough, Shelton, Smith of W Feliciana, Sibley, Simms, Tatinan, Talbot, Taliafero, Thibodaux, Thompson, Todd, Van Wickle, Villere, Williams, Wilcoxon—83 votes.

And the following delegates voted for L. Sperier :

Messrs. Armant, Boudousquie, Buisson, Castellanos, Campbell, Dalferes, Dufour, Duffel, Gardere, Hernandez, Lapeyre, LeBlanc, Monge, Preaux, Pugh, Rixner, Risk, Roselius, Roman, St Paul, and Staes—21 votes.

And Messrs. Addison, Besancon, Beale, Boyer, Carter, Cotton, Delony, Farmer, Hatch, Herron, Isaacks, King of Jackson, Mathews of Pointe Coupee, Moss, Parham, Patterson, Smart, Smith of Winn, Stewart and Wittington—20 voted for Mr. J. Foster.

Mr. Chas. L. Marshall having received the required ma-



majority, was declared by the President duly elected Sergeant-at-Arms of the convention.

On motion of Mr. Staes the convention proceeded to the election of the Door-keeper of the Convention, and the same delegate nominated Mr. D. Veau as a candidate.

Mr. Richardson, of St. Mary, nominated Mr. A. Toulouse.

Mr. Gardere nominated Mr. Chas. Lemaitre.

Mr. Lobdell nominated Mr. J. A. Hebert.

Mr. Thompson nominated Mr. R. C. Self.

Mr. Collens nominated Mr. L. Enixicios.

Mr. Herron nominated Mr. LeSage.

On the roll being called it appeared that the Hon. D. F. Kenner, President. Messrs. Anderson, of St Landry, Akenhead, Avery, Andrews of Orleans, Anderson, Bradford, Bartlett, Benjamin, Bensacon, Beard, Brother, Boyer, Bullard, Campbell, Conrad, Dorsey, Dosson, Douglass, Dugue, Gardere, Guion, Hodges, Hunt, Isaacks, Jennings, Jordan, King of Jackson, Leeds, McIlhenny, Mathews of Orleans, Mathews of Pointe Coupee, Martin, Mather, Pierce, Phillips, Reeves, Richardson of O M W and J, Sandige, Swazey, Shaw, Scarborough, Shelton, Sibley, Simms, Tatman, Todd, VanWickle, Williams and Wittington. Fifty voted for Chas. Lemaitre.

And Messrs. Bernard, Bienvenu, Byrne, Collens, Connely, Dalferes, Duffel, Edwards of Orleans, Hebert, Key, Lapeyre, LeBlanc, Marrero, Parham, Preaux, Price, Pujo, Pugh, Roman, Roysden, Ronquillo, St Paul and Thibodaux. Twenty-three voted for Mr. L. Enixicios.

And Messrs. Armant, Buisson, Bernard, Castellanos, Dufour, Eggleston, Eutis, Hayes, Hernandez, Leefe, Olivier of St Mary, Rixner, Risk, Roselius, Robertson, Staes and Villeré. Seventeen voted for D. Veau.

And Messrs Carter, Declouet, Hargis, King of St Landry, Moss, Monge, Nicholls, Olivier of St Mary, Palfrey, Paxton, Richardson of St Mary, Smith of West Feliciana, Taliafero and Wilcoxon. Fourteen voted for A. Toulouse.

And Messrs Beale, Cotton and Herron. Three voted for A. LeSage.

And Messrs Addison, Davidson, Delony, Edwards of Washington, Farmer, Hatch, Harris, Jones, McMillen, Smart, Smith of Winn, and Thompson. Twelve voted for R. C. Self.

And Messrs Lobdell, Lyle, Stewart, Talbot—4 voted for Mr J A Hebert.

There not being a majority, on motion the convention proceeded to a second ballot.

Mr. Thompson informed the convention that Mr. R. C. Self was no longer a candidate.

Mr. Herron informed the convention that Mr. LeSage was no longer a candidate.

Mr. Lobdell also informed the convention that Mr. Hebert was no longer a candidate.

On the roll being called, it appeared that the Hon D F Kenner, President, Messrs T C Anderson, Akenhead, Avery, Anderson Robert, Armant, Bradford, Bartlett, Benjamin, Bernard, Beard, Brother, Boyer, Bullard, Buisson, Carter, Campbell, Cotton, Conrad, Davidson, Delony, Declouet, Dorsey, Dosson, Douglass, Dugue, Duffel, Gardere, Guion, Hayes, Harris, Hargis, Herron, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King John E, King P G, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Matthews L, Matthews J L, Martin, Mather, Patterson, Pierce, Phillips, Reeves, Richardson R W, Rixner, Roselius, Roman, Sandige, Smart, Swazey, Shaw, Scarborough, Shelton, Smith Ralph, Sibley, Simms, Tatman, Todd

Van Wickle, Williams, and Wittington—73 voted for Charles Lemaitre.

Messrs. Beale, Bienvenu, Bodousquie, Byrne, Connely, Dalferes, M C Edwards, N S Edwards, Hebert, Jones, Lapeyre, Marrero, Parham, Palfrey, Preaux, Pujo, Pugh, Roysden, Ronquillo, St. Paul, Stewart, Talbot, Thibodaux, and Thompson, 24, voted for Louis Enexicios.

And Messrs. Farmer, Moss, Nicholls, C M Olivier, Paxton, D D Richardson, P C Smith, Taliafero, Wilcoxon, 9 voted for Antonio Toulouse; and

Messrs. Andrews, Castellanos, Collens, Dufour, Eggleston, Eustis, Hernandez, Leefe, Le Blanc, Monge, J. G. Olivier, Price, Risk, Robinson, Staes and Villere, 16 voted for D. Veau.

Mr. Charles LeMaitre having received the required majority, was declared duly elected Doorkeeper of the Convention.

Mr. Phillips moved that the convention proceed to the election of three translating clerks.

Mr. Collens moved to amend the motion by electing one Translating Clerk.

Pending the consideration of said motions, Mr Jennings offered the following resolution as a substitute :

Resolved, That a committee of — be appointed, to inquire and report what other officers are necessary, besides those already elected, to perform the duties likely to be required by the convention, and also to fix the compensation of the different officers of the convention.

On motion, the blank in the above resolution was filled up by the number five, and on a further motion the resolution was adopted.

The President appointed on said committee Messrs. Jennings, Heron, Collens, Guion and Farmer.

On motion of Mr. Jones, the convention took a recess of ten minutes, in order to give time to the above committee to report upon the same.

Mr. Jennings, on behalf of the above committee, submitted the following report :

The committee to whom was referred the resolution relative to the number of officers to be employed by the convention, and the compensation of all the officers of the convention, report that they recommend the appointment of one Reporter, one Translating Clerk and three Recording Clerks.

Your committee recommend the following compensation, estimated by the allowance made to officers performing similar duties in the convention of 1845, to-wit:

To the Secretary, fourteen dollars a day.

To the Assistant Secretary, ten dollars a day.

To the Reporter, ten dollars a day.

To the Translating Clerk, eight dollars a day.

To the Recording Clerks, five dollars a day.

To the Door-keeper and Sergeant-at-Arms, six dollars a day.

In relation to the compensation of the printer of the convention, your committee ask for further time to report. —

[Signed,]

N. R. JENNINGS, Chairman.

Mr. Gardere moved to strike out in the above report the words "one Translating Clerk, three Recording Clerks and one Reporter," and to insert in lieu thereof, "two Translating Clerks and four recording Clerks," which motion prevailed.

Mr. Phillips moved to insert "two Reporters, one English



Reporter and one French Reporter," which motion was lost.

Mr. Connely moved to strike out "fourteen dollars a day for the Secretary," and to insert in lieu thereof, twelve dollars, which motion was lost.

The same delegate moved to take as a basis to fix the salaries of the officers and clerks of the Convention, the act entitled, "An Act to reduce the salaries, and fix the contingent fund of State officers," which motion was lost.

On motion, the report was adopted as amended.

On motion the Convention proceeded to the election of two Translating Clerks.

Mr. Preaux nominated Mr. Wm. Andry as a candidate.

Mr. Staes nominated Mr. J. C. Laville.

Mr. Declouet nominated Mr. F. Fuselier.

Mr. Buisson nominated Mr. H. Pedesclaux.

Mr. Scarborough nominated Mr. A. Sheppers.

Mr. Lobdell nominated Mr. E. Lanoue.

On the roll being called it appeared that the following delegates voted for Mr. Fuselier :

Hon. D. F. Kenner, President ; Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Addison, Bradford, Bartlett, Beale, Beard, Boyer, Bullard, Campbell, Davidson, Declouet, Douglass, Edwards of Orleans, Hodges, Isaacks, Key, King of St. Landry, LeBlanc, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Pujo, Pugh, Reeves, Richardson of O., Richardson of St. Mary, Rixner, Roman, Swazey, Smith of Winn, Sibley, Tatman, Todd, Villere, Wittington and Wilcoxon—forty-four votes.

And Messrs. Avery, Anderson of Carroll, Addison, Besaneon, Bernard, Beale, Bienvenu, Beard, Boyer, Carter, Cotton, Connely, Conrad, Delony, Declouet, Dorsey, Dosson, Eustis, Farmer, Guion, Hatch, Hargis, Herron, Hebert, Hunt, Isaacks, Jordan, Jones, Key, King of St. Landry, King of Jackson, Leefe, Leeds, LeBlanc, Lobdell, Lyle, Mather, Moss, Monge, Nicholls, Olivier of St. Martin, Parham, Paxton, Patterson, Price, Phillips, Reeves, Richardson of O., Richardson of St. M., Stuart, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Todd, Thompson, Williams, Wittington and Wilcoxon—64 voted for Mr. A. Sheppers.

And Messrs. Andrews, Armant, Bradford, Benjamin, Bienvenu, Boudousquie, Buisson, Byrne, Castellanos, Collens, Dalferes, Dufour, Dugue, Eustis, Eggleston, Gardere, Harris, Herron, Hernandez, Hunt, Jennings, King of Jackson, Lapeyre, Leefe, McIlhenny, McMillen, Marrero, Martin, Parham, Preaux, Price, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, St. Paul, Staes, Villere and Thibodaux—42 voted for Mr. W. Andry.

And Messrs. Armant, Bartlett, Bernard, Brother, Bullard, Buisson, Campbell, Dosson, Dufour, Edwards of Washington, Farmer, Gardere, Harris, Hough, Jones, Lapeyre, Mathews of Orleans, Mathews of Pointe Coupee, Marrero, Preaux, Pierce, Pujo, Roselius, Ronquillo, Sandidge, St. Paul, Smart, Simms, Taliafero, Thompson, Van Wickle—31 voted for Mr. H. Pedesclaux.

And Messrs. D. F. Kenner, President, Anderson of St. Landry, Akenhead, Andrews, Brother, Carter, Conrad, Dalferes, Davidson, Deloney, Dorsey, Douglass, Duffel, Edwards of Washington, Hatch, Hayes, Hargis, Hough, Hodges, Lobdell, Lyle, McMillen, Mathews of Orleans, Mathews of Pointe Coupee, Martin, Mather, Palfrey, Patterson, Pierce, Phillips, Sandidge, Swazey, Shaw, Scarborough, Shelton,

Smith of West Feliciana, Stewart, Tatman, Talbot and Van Wickle. Forty voted for Mr. E. Lanoue.

And Messrs. Benjamin, Besaneon, Boudousquie, Byrne, Castellanos, Cotton, Connely, Dugue, Duffel, Edwards of Orleans, Eggleston, Guion, Hayes, Hebert, Hernandez, Jennings, Jordan, Leeds, McIlhenny, Olivier of St. Mary, Price, Pugh, Risk, Roysden, Robinson, Staes, Thibodaux and Williams—28 voted for Mr. Laville.

Mr. A. Sheppers having obtained a majority of votes, was declared duly elected.

On motion, the convention proceeded to a second ballot.

Mr. St. Paul informed the convention that H. Pedesclaux was no more a candidate.

On the roll being called, it appeared that Messrs. D. F. Kenner, President, Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Addison, Bartlett, Bernard, Beale, Beard, Brother, Boyer, Bullard, Buisson, Campbell, Davidson, Declouet, Douglass, Edwards of Orleans, Guion, Isaacks, Jones, Key, King of St. Landry, LeBlanc, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Pujo, Pugh, Reeves, Richardson of O., Richardson of St. M., Rixner, Roman, Smart, Swazey, Smith of Winn, Tatman, Thibodaux, Todd, Williams, and Wilcoxon—48 voted for Mr. Fuselier.

And Messrs. Andrews, Bradford, Benjamin, Bienvenu, Boudousquie, Byrne, Collens, Dalferes, Dufour, Eustis, Gardere, Hunt, Jennings, Lapeyre, Leefe, McIlhenny, Marrero, Martin, Parham, Preaux, Price, Risk, Roysden, St. Paul, Taliafero, and Villere.

26 voted for Mr. Wm. Andry.

And Messrs. Carter, Conrad, Delony, Dorsey, Dosson, Duffel, Edwards of Washington, Hatch, Hayes, Harris, Hargis, Herron, Hough, Hodges, King of Jackson, Lobdell, Lyle, McMillen, Mathews of Orleans, Mathews of Pointe Coupee, Mather, Patterson, Pierce, Phillips, Sandidge, Shaw, Scarborough, Shelton, Smith of West Feliciana, Sibley, Simms, Stewart, Talbot, Thompson, Van Wickle and Wittington.

30 voted for Mr. Lanoue.

And Messrs. Besaneon, Castellanos, Cotton, Connely, Eggleston, Hebert, Jourdan, Leeds, Staes.

9 voted for Mr. Laville.

None of the candidates having received the required majority of votes,

On motion, the Convention proceeded to a third ballot.

On the roll being called it appeared that

Messrs. D. F. Kenner, President, Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Bartlett, Bernard, Beard, Boudousquie, Boyer, Bullard, Buisson, Campbell, Connely, Davidson, Declouet, Dosson, Douglass, Edwards of Orleans, Farmer, Guion, Hatch, Harris, Hargis, Isaacks, Key, King of St. Landry, LeBlanc, Martin, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Pierce, Pujo, Pugh, Reeves, Richardson of Orleans, Richardson of St. Mary, Rixner, Roselius, Roman, Sandidge, Smart, Swazey, Smith of Winn, Tatman, Thibodaux, Thompson, Todd, Williams, and Wilcoxon. Fifty-six voted for Mr. Fuselier.

And Messrs. Andrews, Addison, Benjamin, Bradford, Besaneon, Beale, Bienvenu, Byrne, Castellanos, Collins, Cotton, Dalferes, Dufour, Dugue, Eggleston, Eustis, Gardere, Hayes, Hernandez, Hunt, Jennings, Jourdan, Lapeyre, Leefe, Leeds, McIlhenny, Marrero, Parham, Preaux, Price, Risk, Roysden, Ronquillo, Robinson, St. Paul, Staes, Scarborough, Shelton, Taliafero and Villere. Forty voted for Mr. Andry.



And Messrs. Brother, Carter, Conrad, Delony, Dorsey, Duffel, Edwards of Washington, Hebert, Hough, Hodges, Jones, King of Jackson, Lobdell, Lyle, McMillen, Mathews, of Orleans, Mathews of Pointe Coupee, Mather, Patterson, Phillips, Shaw, Smith of West Feliciana, Sibley, Simms, Stewart, Talbot, VanWickle and Wittington. Twenty-eight voted for Mr. Lanoue.

None of the candidates having received the required majority, on motion the convention proceeded to a fourth ballot.

Mr. Dorsey informed the convention that Mr. Lanoue was no longer a candidate.

On the roll being called it appeared that—

Messrs. Kenner President, T C Anderson, Akenhead, Avery, Robert Anderson, Armant, Addison, Bartlett, Bernard, Beale, Beard, Boudousquie, Boyer, Bullard, Buisson, Carter, Campbell, Connely, Conrad, Davidson, Delony, Declouet, Dosson, Douglass, Duffel, N S Edwards, Farmer, Guion, Hatch, Hargis, Hebert, Hough, Hodges, Isaacks, Jones, Key, John E King, Le Blanc, Lobdell, Lyle, J L Mathews, Mather, Moss, Monge, Nicholls, C M Olivier, J G Olivier, Palfrey, Paxton, Pujo, Pugh, Reeves, R W Richardson, D D Richardson, Rixner, Roman, Sandidge, Smart, Swazey, P C Smith, Ralph Smith, Sibley, Simms, Stewart, Tatman, Talbot, Thibodaux, Thompson, Todd, Van Wickle, Williams, Wittington, Wilcoxon—seventy-three, voted for Mr. Fusilier.

And Messrs Andrews, Bradford, Benjamin, Besancon, Bienvenu, Brother, Byrne, Castellanos, Collens, Cotton, Dalferes, Dorsey, Dufour, Dugue, Eggleston, Eustis, Gardere, Hayes, Harris, Herron, Hernandez, Hunt, Jennings, Jourdan, King, Lapeyre, Leefe, Leeds, McIlhenny, McMillen, Mathews, Marrero, Martin, Parham, Preaux, Price, Pierce, Phillips, Risk, Roselius, Roysden, Ronquillo, Robinson, St Paul, Staes, Shaw, Scarborough, Shelton, Taliafero, and Villere—50 voted for Mr. Andry.

Mr. Fusilier having received the required majority was declared duly elected one of the Translating Clerks of the convention.

On motion, the convention proceeded to the election of four Recording Clerks.

The following gentlemen were nominated as candidates:

Messrs. Briant, Andry, Bouligny, Bullard, Castera, Cooley, Chalon, Devall, Duplessis, Davis, Eastin, Houghton, Hernandez, Holland, LeBlanc, Lobdell, L'Hoste, Levison, Nibbling, Oemichen, Parker, Roberts, Walker, Warner, Wederstrandt, Weysham, Stannard, Scott, Stuart, Osborne, Moore.

Mr. Benjamin moved that the six candidates who shall receive the lowest votes on each ballot shall be withdrawn, which motion prevailed.

Hon. D. F. Kenner, President of the Convention, in the chair, and 122 delegates present. On the roll being called, it appeared that Messrs. Briant received 18 votes, Andry 4, Bouligny 5, Bullard 47, Castera 20, Cooley 16, Chalon 2, Devall 4, Duplessis 37, Davis 15, Eastin 30, Houghton 18, Hernandez 39, Holland 2, LeBlanc 30, Lobdell 8, L'Hoste 3, Levison 22, Nibbling 2, Oemichen 3, Parker 10, Roberts 17, Walker 33, Warner 20, Wederstrandt 19, Weysham 17, Stannard 4, Scott 22, Stuart 14, Osborne 3, Moore 8.

None of the candidates having received the required majority, the convention proceeded to a second ballot.

Hon D. F. Kenner, President of the Convention, and 123 delegates, present.

On the roll being called, it appeared that Messrs. Andry

received 1 vote, Briant 26, Bullard 52, Castera 30, Cooley 11, Duplessis 52, Davis 16, Eastin 36, Houghton 14, Hernandez 49, LeBlanc 33, Lobdell 10, Levison 23, Roberts 17, Scott 27, Stuart 12, Walker 31, Warner 20, Wederstrandt, 25.

None of the candidates having received the required majority, on motion, the convention proceeded to a third ballot.

Hon. D. F. Kenner, President of the Convention, and 122 delegates, present.

On the roll being called, it appeared that Messrs. Bullard received 77 votes, Briant 33, Castera 23, Duplessis 59, Eastin 53, Hernandez 56, LeBlanc 35, Levison 29, Robert, 24, Walker 44, Warner 18, Wederstrandt 30, Stuart 5, Cooley 1.

Mr. Bullard having received the required majority, was declared duly elected one of the Recording Clerks of the Convention.

On motion, the convention proceeded to a fourth ballot.

Hon. D. F. Kenner, President of the Convention, in the chair, and 124 delegates present.

On the roll being called, it appeared that Messrs. Briant received 45 votes, Duplessis 88, Eastin 64, Hernandez 68, LeBlanc 38, Walker 67.

Messrs. Duplessis, Hernandez and Walker having received the required majority, were declared duly elected Recording Clerks of the Convention.

On motion, the Convention adjourned until to-morrow, at 9 o'clock, A. M.

WEDNESDAY, July 7, 1852.

The Convention met, pursuant to adjournment.

Present, Hon. D. F. Kenner and 121 delegates.

On motion of Mr. Olivier, of St. Mary, leave of absence was granted to Mr. Wilcoxon, delegate from Vermillion, on account of sickness.

The President laid before the Convention a communication from Mr. G. W. Christie and others, on behalf of the democrats of East Baton Rouge, inviting the members of the Convention to attend a barbecue, to be given in the city of Baton Rouge on the 8th inst.

On motion the above invitation was accepted.

Mr. Phillips offered the following resolution, which was read, and on motion adopted:

*Resolved*, That the Sergeant-at-Arms be directed to subscribe for the value of ten daily papers, for the use of the members of the Convention. The papers to be subscribed for to be designated by the members.

Mr. Herron offered the following resolution, which was read, and on motion adopted:

*Resolved*, That the Committee on Contingent Expenses be authorized to deposit the sum of five hundred dollars with the Post-master at Baton Rouge, for the purpose of pre-paying the postage on letters and papers addressed to or mailed by the members of this Convention.

Mr. Sandidge, on behalf of the select committee appointed to examine the rules which have been adopted for the government of the House of Representatives of the State of Louisiana, and to report such parts thereof as they may deem best adapted for the government of this Convention—submitted the following report:



## RULES AND ORDERS OF THE CONVENTION.

## TOUCHING THE DUTIES AND RIGHTS OF THE PRESIDENT.

1. He shall take the chair every day at the hour to which the Convention shall have adjourned on the preceding day, and immediately call the members to order. If a quorum shall be in attendance, he shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to members, rising from his seat for that purpose; he shall decide questions of order, subject to an appeal to the Convention, made by any two members, on which appeal no member shall speak more than once, unless by leave of the Convention.

3. He shall rise to put a question, but may state it while sitting.

4. Questions shall be distinctly put in this form, to wit: "As many of you as are of the opinion that (as the question may be) say *Aye*;" and, after the affirmative voice is expressed—"As many as are of contrary opinion, say *No*." If the President doubts, or if a division be called for, the Convention shall divide; those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. The President shall then rise and state the decision of the Convention.

5. The President shall have the right to examine and correct the journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. In all cases of election by the Convention, the President shall vote; in other cases he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make the division equal, and in case of such equal division, the question shall be lost.

The President appointed on said committee Messrs. Jennings, Herron, Collens, Guion and Farmer.

On motion of Mr. Jones, the convention took a recess of

7. All committees shall be appointed by the President, unless otherwise specially directed by the Convention, in which case they shall be elected by a viva voce vote; and if, upon such vote, the number required shall not be elected by a majority of the votes given, the Convention shall proceed to a second vote, in which a plurality of votes shall prevail; and in case a greater number than are required to compose or complete a committee shall have an equal number of votes, the Convention shall proceed to a further vote or votes.

8. All writs, warrants and subpoenas, issued by order of the Convention, shall be under the hand of the President, attested by the Secretary.

9. In case of any disturbance or disorderly conduct in the gallery or lobby, the President shall have power to order the same to be cleared.

## RULES OF DECORUM AND DEBATE.

10. When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat, and respectfully address himself to "Mr. President."

11. If any member, in speaking or otherwise, transgress the rules of the Convention, the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate. If the [decisi-

sion be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case require it, he shall be liable to the censure of the Convention.

12. When two or more members happen to rise at once, the President shall name the one who is first to speak.

13. No member shall speak more than twice on the same question, and more than one half hour on each occasion, without leave of the Convention, nor more than once until every member choosing to speak shall have spoken. But the mover of any proposition shall have the right to open and close the debate; and in case the proposition comes from any committee, then the member making the report from the committee shall have the right to open and close the debate in like manner.

14. Whilst the yeas and nays are being called, or votes are being counted, no member shall visit the Secretary's table.

15. No member shall vote on any question when he was not within the bar of the Convention when the question was put. And when any member shall ask leave to vote, the President shall propound to him the question, "Were you within the bar when your name was called?"

16. Upon a division and count of the Convention upon any question, no member without the bar shall be counted.

17. Every member who shall be within the bar of the Convention when a question is put, shall give his vote, unless the Convention, for reason assigned, shall excuse him. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Secretary under the order of the Convention, shall have commenced calling the yeas and nays.

18. When a motion is made and seconded, it shall be stated by the President, or being in writing, it shall be handed to the Chair, and read aloud by the Secretary, before debated.

19. Every motion should be reduced to writing, if the President or any member desire it.

20. No person shall be admitted within the bar but the officers of the General or State Government, and such other persons as the President or members may think proper to invite.

21. After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Convention, but may be withdrawn by the mover with the consent of the member who may have seconded the proposition.

22. When a question is under debate, no motion shall be received but 1st, to adjourn; 2d, to lay on the table; 3d, for the previous question; 4th, to postpone to a day certain; 5th, to commit; 6th, to amend: or 7th, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged, and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the proceedings or proposition.

23. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when sustained by a majority of the members present, and, when carried, its effect shall be to put an end to all debate, and to bring the Convention to a direct vote—1st, upon the pending amendment, and so on back to the first amendment offered; 2d, upon amendments reported by a committee, if any; and 3d, upon the main question.



On a motion for the previous question, and prior to the seconding of the same, a call of the Convention shall be in order; but after a majority shall have sustained such motion, no call shall be in order prior to a decision of the main question. On a motion for the previous question, there shall be no debate.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. After a call for the previous question has been sustained by the Convention, the question shall be put and determined in order as above, without debate on either amendments or the previous question.

24. Any member may call for a division on a question, when the same will admit of it.

25. No new motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

26. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof; or when the Convention is equally divided on any question, any member may move a reconsideration; *provided*, in either case it is made on the same day, or the next sitting day.

27. When the reading of a paper is called for, and the same is objected to by any member, the Convention shall determine whether said paper shall be read or not.

28. If a pending question be not disposed of, owing to an adjournment of the Convention, and be received on the succeeding day, no member who has spoken twice on the day preceding shall be allowed to speak again without leave.

29. When motions are made for the reference of a subject to a select and to a standing committee, the question for the reference to a standing committee shall be first put.

#### ORDER OF BUSINESS FOR THE DAY.

30. As soon as the journal is read, and the names of the members called, the President shall ask if there are any petitions, memorials or resolutions to be presented. The petitions, memorials, and resolutions having been presented and disposed of, reports, first from standing and then from the select committees, shall be called for; after which the President shall dispose of the communications on his table, and then proceed to call the order of the day.

31. The unfinished business in which the Convention was engaged at the time of the last adjournment shall have the preference in the orders of the day; and no motion, or any other business, shall have the preference in the orders of the day; and no motion, or any other business, shall be received without special leave of the Convention, until the former is disposed of. The order of the day shall be as follows:

1st—The unfinished business in which the Convention was engaged at its last adjournment.

2d—Special orders, if any, of the day.

32. Petitions, memorials, and other papers addressed to the Convention shall be presented by the President, or by a member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same. They shall not be debated or decided on the day of their being first read, unless the Convention shall

direct otherwise, but shall lie on the table, to be taken up in the order in which they were read.

33. Upon calls of the Convention, and in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

34. All questions relating to the priority of business shall be decided without debate.

35. No member shall absent himself from the service of the Convention unless he have leave, or be unable, from sickness, to attend.

36. No committee shall sit during the time the Convention is in session, without special leave being first granted.

37. No standing rule or order of the Convention shall be rescinded without one day's notice being given, or unless by consent of three-fourths of the members present.

38. The proceedings of the Convention shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

39. Every vote of the Convention shall be entered on the journal, with a concise statement of the question; and a brief statement of the contents of each communication or paper presented to the Convention shall be also inserted on the journal.

40. In case any clerk, the Sergeant-at-Arms or Doorkeeper of the Convention, fail to perform his duty, the Secretary shall make a report thereof to the Convention without delay.

41. It shall be the duty of the Assistant Secretary of the Convention to write with his own hand the English part of the journal of this Convention; and the Secretary shall superintend carefully the journal in both languages.

42. The Secretary shall read the journal daily from the sheets on which the minutes are written; and after being so read and corrected, and not before, the said minutes shall be recorded in the book, and if necessary, corrected and amended under the sanction of the Convention, and copies in both languages furnished to the Printer, authenticated by the signature of the Secretary, by 10 o'clock on the day following that on which it shall have been read.

43. The Secretary shall consider himself responsible to the Convention for the accuracy of the journals in both languages, and the Clerks shall consider themselves subordinate to him and under his control and direction; and it shall be their duty to attend in the Secretary's room from 9 o'clock in the morning to the hour of adjournment, and from four o'clock, P. M., till further attendance be dispensed with by the Secretary, who shall lay before the President each morning the names of the Clerks, with a note opposite to each, indicating that he was present or absent (as the case may have been) on the day preceding.

44. The Sergeant-at-Arms shall hold his office during the pleasure of the Convention, and it shall be his duty to attend the Convention during its sittings, to execute the commands of the Convention from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the President.

45. The Doorkeeper shall hold his office during the pleasure of the Convention, and it shall be his duty to keep the door of the lobby, to have the room kept in order, and to have charge of the Chamber of the Convention, and to perform such other duties as the members may require.

46. On any question of order or parliamentary practice, when these rules are silent or inexplicit, Jefferson's Manual shall be considered as authority.



47. No extra compensation shall be allowed to any clerk or other officer of the Convention.

On the 13th article being read, as follows :

13. No member shall speak more than twice on the same question, and more than an hour on each occasion, without leave of the House, nor more than once until every member choosing to speak shall have spoken. But the mover of any proposition shall have the right to open and close the debate ; and in case the proposition comes from any committee, then the member making the report from the committee shall have the right to open and close the debate in like manner.

Mr. Bienvenu moved to strike out "one hour," and to insert in lieu thereof the words "half hour," which motion prevailed, and

On motion of Mr. Hunt, the report as amended was adopted.

Mr. Bienvenu offered the following resolution which, having been read, was on motion adopted:

*Resolved.* That the Rules be printed in pamphlet form, in the French and English languages and that one hundred and fifty copies be printed in each of the Languages.

Mr. Roman offered the following resolution:

*Resolved.* That the Convention shall every day take up the existing Constitution and examine it article by article, to take into consideration such propositions as may be made for the amendment or alteration thereof.

Every article, after having been passed by the Convention, shall be referred to a Standing Committee of five members, whose duty it shall be to revise the same and to report it to the Convention on the next day or as soon thereafter as practicable, for a second reading, when verbal amendments only shall be admitted.

After its second reading, the Constitution shall be printed for the use of the members and shall be taken article by article for a third reading ; at which stage no amendment shall be considered as adopted unless supported by a majority of the members elected to the Convention, or by a greater number of votes than were given for the article at the first reading.

Mr. Preaux offered the following amendment to the above resolution :

*Resolved.* That instead of one Committee, three Committees shall be appointed, one on the Executive, one on the Judiciary, one on the Legislative, each article thus read shall be referred to the proper Committee.

Mr. Herron offered the following as a substitute for the above resolution:

*Resolved.* That the following Committees be appointed by the President of this Convention, whose duty it shall be respectively to take into consideration all such subjects as properly pertain to the purposes indicated by the several names.

1st. A Committee on the Distribution of the powers of Government to consist of ——— members

2d. A Committee on the Legislative Department to consist of ——— members.

3d. A Committee on the Executive Department to consist of ——— members.

4th. A Committee on the Judiciary Department consisting of ——— members.

5th. A Committee on the subject of Impeachment and Removal from Office, consisting of ——— members.

6th. A Committee on the General Provisions of the Constitution to consist of ——— members.

7th. A Committee on the Subject of Amendments to the Constitution, consisting of ——— members.

8th. A Committee on the Schedule to the Constitution, to consist of ——— members.

9th. A Committee on Electoral Franchise to consist of ——— members.

10th. A Committee on Public Education to consist of ——— members.

Mr. Cotton moved to lay the substitute upon the table.

On said motion,

Mr. Guion called for the yeas and nays, which resulted as follows:

Messrs. Anderson, of St. Landry and Calcasieu, Akenhead, Avery, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquie, Boyer, Buisson, Byrne, Carter, Collens, Cotton, Conrad, Declouet, Dorsey, Dufour, Dugue, Duffel, Edwards of Washington, Farmer, Gardere, Guion, Harris, Hargis, Hernandez, Hough, Jennings, Jones, Key, Lapeyre, Leefe, Lyle, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Mary, Palfrey, Patterson, Pierce, Richardson of St. Mary, Rixner, Roselius, Roman, Sandidge, Smart, Swazey, Shaw, Simms, Tatman, Thompson, Williams—56, voted in the affirmative.

Messrs. Anderson, of Carroll, Andrews, Besancon, Beale, Bienvenu, Bullard, Castellanos, Connely, Dalferes, Davidson, Delony, Dosson, Douglass, Edwards of Orleans, Eggleston, Eustis, Hatch, Hayes, Herron, Hebert, Hodges, Hunt, Isaacks, Jourdan, King, of St. Landry, King of Jackson, LeBlanc, Lobdell, McIlhenny, McMillen, Mathews of Point Coupee, Marrero, Moss, Parham, Paxton, Price, Pierson, Phillips, Pujo, Pugh, Reeves, Richardson, of Ouachita, Morehouse, Union and Jackson, Risk, Roysden, Ronquillo, Robinson, St. Paul, Staes, Scarborough, Shelton, Smith, Smith, Sibley, Stewart, Talbot, Taliafero, Thibodaux, Todd, Van Wickle, Villere, Waddill, Wittington, Leeds, Beard—65, voted in the negative ; consequently said motion was lost.

Mr. Todd moved that a committee of five be appointed to take into consideration the plan of proceeding in this Convention, and report by to-morrow morning, which motion was lost.

Pending the consideration of the above substitute.

The President laid before the Convention a communication from the Hon. A. Snyder, Representative Delegate from the Parish of Madison, tendering his resignation as a member of the Convention.

Mr. Moss presented to the Convention a letter from the Hon. E. Laure, Representative Delegate from the Parish of Lafayette, tending his resignation as a member of the Convention.

On motion of Mr. Guion the above resignations were accepted.

Mr. Phillips introduced the following resolution which was read and on motion adopted :

*Resolved.* That a Committee of five members to be appointed by the President, with instructions to report as soon as possible, on the proper course to be pursued to fill the vacancy occasioned by the resignation of Alonzo Snyder, a Representative Delegate from the Parish of Madison, and of E. Laure, Representative Delegate from the Parish of Lafayette.

The President appointed on said Committee, Messrs. Phillips, Dorsey, Richardson of O, Dufour and St Paul.

The consideration of the substitute having been resumed, Mr. Phillips moved to strike out all the following words : "All such subjects as properly pertain to the pur-



poses indicated by the several names;" and to insert in lieu thereof, "to consider such articles of the Constitution as may be referred to them," which motion was adopted.

Mr Thibodaux moved to strike out in the above substitute, offered by Mr. Herron, all after the word resolved, and to insert in lieu thereof, the words—

"That a committee of — be appointed by the President, to whom the Constitution of 1845 shall be referred, with instructions to report such amendments as they will deem necessary."

Mr. King of St. Landry called for a division of the question, and the votes being taken on the striking out, it resulted in the negative, consequently the Convention refused to strike out, and the motion of Mr. Thibodaux was lost.

On motion the substitute of Mr. Herron was adopted, and on further motion, the blanks in said substitute were filled as follows :

1. Committee on Distribution of Powers of Government composed of five members,
2. Committee on Legislative Department composed of eleven members.
3. Committee on Executive Department composed of seven members.
4. Committee on Judiciary Department composed of eleven members.
5. Committee on Impeachments and Removals from Office, composed of seven members.
6. Committee on General Provisions of the Constitution composed of eleven members.
7. Committee on Amendments to the Constitution composed of eleven members.
8. Committee on Schedule to the Constitution composed of seven members,
9. Committee on Electoral Franchise composed of seven members.
10. Committee on Public Education composed of seven members.

Mr. St. Paul offered the following Preamble and Resolutions :

*Whereas*, The great agricultural interests of the State require that there should be established a general, uniform and sufficient system of levees and dykes, the main features whereof should be inserted in our Constitution.

*Resolved*, That a Special Committee of — members be forthwith appointed by the Chair, in order to report at any time to them convenient, on such a system as may be properly embodied in the next Constitution.

*And be it further Resolved*, That for the purpose of obtaining the required information, the members of the said committee have at any time leave of absence, and they have power to send for persons and papers.

Mr. King, of St. Landry, moved to lay the above Preamble and Resolutions upon the table.

On said motion the yeas and nays were called, and resulted as follows :

Messrs Anderson of St. Landry and Calcasieu, Anderson of Carroll, Akenhead, Avery, Armant, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Brother, Boyer, Bullard, Buisson, Byrne, Carter, Campbell, Cotton, Connely, Conrad, Davidson, Delony, Declouet, Dorsey, Dossion, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hough, Hodges, Isaacs, Jones, King of St. Landry, King of Jackson, Lapeyre, Leeds, Lyle, McIl-

henny, McMillen, Mathews of Orleans, Martin, Moss, Monge Olivier of St. Mary, Parham, Palfrey, Paxton, Pierce, Pier-son, Pujo, Reeves, Richardson of Ouachita, Morehouse, Union and Jackson, Richardson of St. Mary, Roman, Roysden, Sandige, Smart, Swazey, Shaw, Shelton, Smith, Smith, Sibley, Tatman, Taliafero, Thompson, Todd, Wad-dill, Wittington—79 voted in the affirmative

Messrs. Andrews, Bernard, Beard, Bienvenu, Boudousquie, Castellanos, Collens, Dalferes, Eustis, Gardere, Guion, Hebert, Hunt, Jourdan, Key, Le Blanc, Lobdell, Marrero, Nicholls, Olivier of St. Martin, Preaux, Phillips, Pugh, Rixner, Roselius, Ronquillo, Robinson, St. Paul, Staes, Scarborough, Simms, Stewart, Talbot, Thibodaux, Van Wickle, Villere, and Williams—37 voted in the neg-ative.

Consequently the motion of the delegate from St. Lan-dry prevailed, and the preamble and resolutions were laid upon the table.

Mr. Hunt then moved that this Convention now take up for consideration the Constitution of this State.

Mr. Cotton offered, as a substitute to said motion, that the Convention do now take up the Constitution of 1845, article by article, and proceed to amend, alter, adopt or strike out.

On motion the substitute was rejected, and the motion of Mr. Hunt was adopted.

The Constitution was then read as follows :

#### CONSTITUTION OF THE STATE OF LOUISIANA.

*Preamble*, We, the people of the State of Louisiana, do ordain and establish this Constitution.

Pending the consideration of the preamble—

Mr. St. Paul moved that a special committee, to be styled "the Committee on the Bill of Rights," be appointed by the President, with instructions to report on — day on a preamble and declaration, or bill of rights ; which motion was lost.

Mr. Thibodaux moved to postpone the further consid-eration of the preamble, which motion was also lost.

On motion of Mr. Benjamin the preamble was adopted.

#### TITLE I.

##### DISTRIBUTION OF POWERS.

Art. 1. The powers of the Government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magis-traey, to wit: those which are legislative to one ; those which are executive to another ; and those which are ju-dicial to another.

On motion the first article was adopted.

Art. 2. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

On motion the second article was adopted.

#### TITLE II.

##### LEGISLATIVE DEPARTMENT.

Art. 3. The legislative powers of the State shall be vested in two distinct branches, the one to be styled the "House of Representatives," the other "The Senate," and both the "General Assembly of the State of Louisiana."

Pending the consideration of the above article—

Mr. Dufour offered the following resolutions, which were read, and on motion were adopted.



1. *Resolved*, That the new Constitution shall be promulgated both in the English and French languages.

2. *Resolved further*, That a select committee of five members be appointed by the President of the Convention, whose duty it shall be to superintend and revise the translation of the new Constitution from English into French.

On motion, the third article of the Constitution was adopted.

On the fourth article being read as follows :

Art. 4. The members of the House of Representatives shall continue in service for the term of two years from the day of the closing of the general elections.

Mr. Cotton moved to strike out "two" in the above article.

Mr. Herron moved to postpone the further consideration of said article, and to make it the special order of the day for Friday, the 9th inst., which motion was lost.

Mr. Cotton then renewed his motion to strike out.

On said motion the yeas and nays were called for, and resulted as follows :

Messrs. Andrews of O., Addison, Besancon, Beale, Beard, Cotton, Delony, Duffel, Herron, Hebert, Jourdan, Roysden, Robinson, Staes, Scarborough, Talbot, Taliafero and Todd—18 voted in the affirmative.

And Messrs. Anderson of St. Landry and Calcasieu, Anderson, Akenhead, Avery, Armant, Bradford, Bartlett, Benjamin, Bernard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Colens, Connely, Conrad, Dalferes, Davidson, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hayes, Harris, Hargis, Herhandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King of St. Landry, King of Jackson, Lapeyre, Leefe, Lecds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Phillips, Pujo, Pugh, Reeves, Richardson of Ouachita, Morehouse, Union and Jackson, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquilo, Sandidge, St. Paul, Smart, Swazey, Shaw, Shelton, Smith, Smith of Winn, Sibley, Simms, Stewart, Tatman, Thibodaux, Thompson, Van Wickle, Villere, Waddill, Williams, Wittington—105, voted in the negative.

Consequently said motion was lost.

On motion the fourth article was adopted.

On the fifth article being read as follows :

Art. 5 Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The General Assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be appointed by law, and their session shall be held at the seat of Government.

Mr. Jones offered the following as a substitute for the same :

Art. 5. Representatives shall be chosen on the first Monday in ———, every two years, and the election shall be completed in one day. The General Assembly shall meet every year, on the third Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of Government.

Pending the consideration of said substitute,

Mr. Collins moved that when this Convention adjourn,

it shall be adjourned to meet at 9 o'clock A. M. the next day; which motion prevailed.

On motion the Convention adjourned until to-morrow at 9 o'clock, A. M.

THURSDAY, July 8, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. J. H. Harmon opened the proceedings with prayer.

Present—Hon. D. F. Kenner, President, in the chair, and 118 delegates.

Mr. Phillips, on behalf of the Committee appointed to report on the proper course to be pursued, to fill the vacancies occasioned by the resignations of Alonzo Snyder and E. Laure, the one Representative Delegate from the parish of Madison, and the other from the parish of Lafayette, beg leave to report as follows :

Section 9 of an Act entitled "An Act to take the sense of the people on the expediency of calling a Convention to change the Constitution, and to provide for the election of Delegates and the holding of the Convention," approved February 23, 1852, provides, "That in case any person elected to said Convention shall die or resign, a new election shall be forthwith ordered by the Governor, to fill his place, in the same manner, time and form as is provided by law for filling a vacancy in the General Assembly."

Your committee, therefore, report the following resolution :

*Resolved*, That the President of this Convention be requested to give official information to the Governor of the resignations of Alonzo Snyder and E. Laure.

(Signed,) W. B. PHILLIPS, Chairman.

On motion, the report was adopted.

Mr. Sandidge offered the following resolution, which, on being read, was on motion adopted :

*Resolved*, That the Secretary of State be requested to communicate, at an early day, for the use of the Convention, a tabular statement from the last State Census :

1. The whole white population of the State.
2. The whole slave population of the State.
3. The number of free persons of color.
4. The number of white males over the age of twenty-one years.
5. The respective number of said persons in each parish of the State.

Also the same information, if attainable, from the last Census of the State, taken by authority of the Federal Government.

And likewise, a similar statement from the census of 1830 and 1840.

Mr. Risk offered the following resolution, which was read, and on motion, adopted :

*Resolved*, That places within the bar of this House be allowed to such persons connected with the press as may be desirous of reporting the proceedings of this Convention; and that the Sergeant-at-Arms be instructed to provide them such accommodations as may be necessary for the prosecution of their labors.

Mr. Conrad offered the following resolution, which being read, was on motion adopted :



*Resolved*, That Article 8 of the Constitution be made the order of the day for Thursday the 16th inst.

Mr. Richardson of Ouachita, offered the following resolution :

*Resolved*, That a reporter of the debates of the Convention be elected, and that he receive a daily compensation of ten dollars for his services.

Mr. St. Paul offered the following amendment :

And that one of the translators of the Convention be required to translate into French the reports of the debates of this Convention, and that an additional salary of five dollars a day be allowed him as extra compensation.

On motion, all the words after "Convention" in the above amendment were stricken out.

Mr. Brother then moved to lay the resolution and amendment upon the table.

On said motion Mr. Simms called for the yeas and nays, which resulted as follows :

Messrs. Avery, Armant, Addison, Bradford, Bartlett, Benjamin, Brother, Boudousquie, Buisson, Campbell, Collens, Cotton, Conrad, Dalferes, Davidson, Deelouet, Dorsey, Douglass, Dufour, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Gardere, Hayes, Jones, Lapeyre, Lobdell, Lyle, Mathews of Orleans, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Patterson, Preaux, Price, Rixner, Roselius, Roman, Roysden, Robinson, Shaw, Searborough and Taliafero—47, voted in the affirmative; and

Messrs. Anderson of St. Landry and Calcasieu, Anderson of Carroll, Akenhead, Andrews, Besaneon, Bernard, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Connely, Delony, Dosson, Duffel, Eastis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King of St. Landry, King of Jackson, Leefe, Leeds, LeBlanc, McIlhenny, McMillen, Mathews of Point Coupee, Marrero, Moss, Palfrey, Paxton, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson of Ouachita, Morehouse, Union and Jackson, Richardson of St. Mary, Risk, Ronquillo, Sandidge, St. Paul, Staes, Smart, Swazey, Shelton, Smith, Sibley, Simms, Stewart, Tatman, Talbot, Thibodaux, Thompson, Todd, Van Wickle, Villere, Waddill, Williams and Wittington—75, voted in the negative.

Consequently said motion was lost.

Mr. Shaw offered the following as a substitute :

*Resolved*, That each member of this convention be requested to report his own speech as made.

Mr. Cotton moved to lay the substitute upon the table.

On said motion, Mr. Parham called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry and Calcasieu, Anderson of Carroll, Avery, Andrews, Addison, Bartlett, Benjamin, Besaneon, Bernard, Beale, Beard, Bienvenu, Brother, Boyer, Bullard, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Delony, Dosson, Duffel, Edwards of Washington, Eggleston, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jourdan, Key, King of St. Landry, King of Jackson, Leefe, Leeds, LeBlanc, Lobdell, McMillen, Mathews of Point Coupee, Marrero, Moss, Olivier of St. Martin, Palfrey, Paxton, Preaux, Pierce, Pierson, Phillips, Pugh, Richardson of Ouachita, Morehouse, Union and Jackson, Richardson of St. Mary, Risk, Roman, Ronquillo, Robinson, St. Paul, Staes, Smart, Swazey, Searborough, Shelton, Smith of West Feliciana, Smith, Sibley, Simms, Tatman,

Talbot, Thibodaux, Thompson, Todd, Van Wickle, Villere, Waddill, Williams—83, voted in the affirmative.

Messrs. Akenhead, Armant, Bradford, Boudousquie, Buisson, Byrne, Collens, Dalferes, Davidson, Deelouet, Dorsey, Douglass, Dufour, Dugue, Edwards of Orleans, Gardere, Hayes, Jennings, Jones, Lapeyre, Lyle, Mathews of Orleans, Mather, Monge, Nicholls, Olivier of St. Mary, Parham, Patterson, Price, Reeves, Rixner, Roselius, Roysden, Sandidge, Shaw, Smith of West Feliciana, Stewart, Taliafero, Wittington—39, voted in the negative; consequently the motion prevailed, and the substitute offered by Mr. Shaw was laid on the table.

Mr. Jennings moved to strike out from the resolution the amendment offered by Mr. St. Paul.

On said motion Mr. Conrad called for the yeas and nays. Pending said motion Mr. Guion moved that an additional translating clerk be elected; whose duty it shall be to translate the reports of the debates into French, for which he shall receive a compensation at the rate of five dollars per day.

Mr. Besaneon then called for the previous question, which was carried.

The question being on the motion of Mr. Jennings, and the yeas and nays being called, resulted as follows :

Messrs. Anderson of St. Landry and Calcasieu, Anderson of Carroll, Akenhead, Avery, Beard, Bienvenu, Boudousquie, Boyer, Bullard, Castellanos, Campbell, Davidson, Deelouet, Douglass, Eggleston, Eustis, Guion, Jennings, Key, King of St. Landry, Monge, Nicholls, Palfrey, Price, Pierce, Pierson, Richardson of Ouachita, Morehouse, Union and Jackson, Risk, Roman, St. Paul, Staes, Swazey, Shaw, Searborough, Sibley, Simms, Tatman, Taliafero, Todd, Van Wickle, Waddill, Williams—42, voted in the affirmative.

Messrs. Andrews, Armant, Addison, Bradford, Bartlett, Benjamin, Besaneon, Bernard, Beale, Brother, Buisson, Byrne, Carter, Collens, Cotton, Connely, Conrad, Dalferes, Delony, Dorsey, Dosson, Dufour, Dugue, Duffel, Edwards of Orleans, Farmer, Gardere, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jourdan, Jones, King of Jackson, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Marrero, Mather, Moss, Olivier of St. Martin, Olivier of St. Mary, Parham, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson of St. Mary, Rixner, Roselius, Roysden, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith, Smith, Stewart, Talbot, Thibodaux, Thompson, Villere, Wittington—81, voted in the negative consequently said motion was lost.

On motion to adopt the resolution as amended,

Mr. Simms called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry and Calcasieu, Anderson of Carroll, Akenhead, Addison, Bartlett, Besaneon, Bernard, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Collins, Connely, Dalferes, Davidson, Delony, Dosson, Duffel, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King of St. Landry, King of Jackson, Leefe, Leeds, LeBlanc, Lobdell, McIlhenny, McMillen, Mathews of Point Coupee, Marrero, Moss, Paxton, Patterson, Preaux, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson of Ouachita, Morehouse, Union and Jackson, Richardson of St. Mary, Risk, Roselius, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Smart, Swazey, Shelton, Smith, Sibley, Simms,



Stewart, Tatman, Talbot, Thibodaux, Thompson, Todd, Van Wickle, Villere, Waddill, Williams, Wittington—51, voted in the affirmative.

And Messrs. Avery, Armant, Bradford, Benjamin, Brother, Boudousquie, Buisson, Campbell, Cotton, Conrad, Davidson, Deelouet, Dorsey, Douglass, Dufour, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Gardere, Hayes, Jones, Lapéyre, Lyle, Mathews of Orleans, Mather, Monge, Nicholls, Olivier of St. Martin, Parham, Palfrey, Price, Rixner, Roysden, Shaw, Scarborough, Smith of West Feliciana, and Taliafero—39, voted in the negative; consequently the resolution was adopted.

Mr. Carter offered the following as an additional rule which, under the rules adopted, was laid over.

"No motion to take the yeas and nays shall prevail, unless ten members rise to second the call; but if the call for yeas and nays be refused, any member desirous of recording his vote, may require the Secretary to enter his vote on the minutes."

Mr. Lobdell offered the following resolution.

"Resolved. That a Committee on Levees and Public Improvements of — members be appointed, to whom may be referred, and who are requested to take into consideration and report to this Convention for their action, a proper and feasible plan to secure such objects."

Mr. Thompson moved to lay the resolution upon the table.

On said motion Mr. Preaux called for the yeas and nays pending the consideration of said motion.

Mr. Harris having on yesterday voted with the majority on the motion to strike out, in the fourth article of the Constitution, the word "two," moved for a reconsideration of his vote.

The President then laid before the Convention the following list of Committees, appointed in compliance with the substitute offered by Mr. Herron, and adopted on yesterday by the Convention.

## NO. I.

COMMITTEE ON THE DISTRIBUTION OF THE POWERS OF GOVERNMENT.—A S Herron, Chairman; H H Wilcox, J P Waddill, J B Leefe, G Rixner.

## NO. II.

COMMITTEE ON THE LEGISLATIVE DEPARTMENT.—G S Guion, Chairman; F D Conrad, J M Sandidge, S W Dorsey, B P Paxton, N R Jennings, R H Sibley, J G Taliafero, L V Reeves, E C Davidson, T C Nicholls.

## NO. III.

COMMITTEE ON THE EXECUTIVE DEPARTMENT.—Alexander Deelouet, Chairman; P O Hebert, T C Scarborough, C Bienvenu, J W Price, J B Smart, E Duffel, Jr.

## NO. IV.

COMMITTEE ON THE JUDICIARY.—R Hunt, Chairman; J G Campbell, J P Benjamin, R W Richardson, C L Swazey, C Dufour, W S Parham, E A Bradford, U B Phillips, C A Bullard.

## NO. V.

COMMITTEE ON IMPEACHMENT AND REMOVALS FROM OFFICE.—A G Carter, Chairman; W H Avery, J S Armant, L A Besançon, C M Olivier, D D Richardson, A J Isaacs.

## NO. VI.

COMMITTEE ON GENERAL PROVISIONS.—A B Roman, Chairman; D F Roysden, L Mathews, G F Connely, A Brother,

E Delony, W T Palfrey, W W Pugh, S Van Wickle, G Eustis, C D Tatman.

## NO. VII.

COMMITTEE ON AMENDMENTS TO THE CONSTITUTION.—R B Todd, Chairman; J R Jones, S Bartlett, R G Beale, H B Eggleston, D Byrne, M H Dosson, W H Hough, C J Leeds, E H Martin, S G Risk.

## NO. VIII.

COMMITTEE ON SCHEDULE OF THE CONSTITUTION.—J E King, Chairman; W R Douglass, A Talbot, H B Shaw, P T Harris, J B Cotton, B R Simms.

## NO. IX.

COMMITTEE ON EDUCATION.—B G Thibodaux, Chairman; H St. Paul, F H Hatch, P B Key, P G King, R Preaux, W W Wittington.

## NO. X.

COMMITTEE ON ELECTORAL FRANCHISE.—T W Collins, Chairman; R Hodges, W W Farmer, R Anderson, A J Moss, C L Boudousquie, A W Jourdan.

## NO. XI.

COMMITTEE TO REVISE THE FRENCH TRANSLATION OF THE CONSTITUTION.—C Dufour, Chairman; R Preaux, J G Olivier, F Gardère, J M Lapayre.

On motion the Convention adjourned until to-morrow at nine o'clock, A. M.

FRIDAY, July 9, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Wm. H. Crenshaw opened the proceedings with prayer.

Present: Hon. D. F. Kenner, President in the Chair, and 112 delegates.

On motion of Mr. Delony, leave of absence was granted to Mr. Patterson, on account of sickness in his family.

## UNFINISHED BUSINESS.

The Convention took up at its second reading, the following additional rule, which was under consideration when the Convention adjourned on yesterday:

"No motion to take the yeas and nays shall prevail, unless ten members rise to second the call; but if the call for yeas and nays be refused, any member desirous of recording his vote, may require the Secretary to enter his vote in the minutes."

On motion, the above rule was adopted.

Mr. Preaux having on yesterday voted with the majority on the adoption of the resolution to elect a Reporter, moved to reconsider his vote.

On said motion, Mr. Richardson, of Ouachita, called for the yeas and nays, which resulted as follows:

Messrs. Anderson of Carroll, Avery, Armant, Bradford, Benjamin, Brother, Boudousquie, Buisson, Campbell, Collins, Cotton, Dalferes, Davidson, Deelouet, Dorsey, Douglass, Dufour, Dugue, Edwards, Edwards, Eggleston, Gardere, Hayes, Jennings, Jones, Key, Mathews of Orleans, Monge, Nicholls, Olivier of St. Martin, Parham, Palfrey, Preaux, Price, Rixner, Roman, Roysden, Robinson, Shaw, and Taliafero—40 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Andrews, Addison, Bartlett, Bernard, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Connely,



Conrad, Delony, Dosson, Duffel, Eustis, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hodges, Hunt, Isaacks, Jourdan, King, King, Leefe, Leeds, LeBlanc, Lobdell, McIlhenny, McMillen, Mathews of P. C., Marrero, Mather, Moss, Olivier of St. Mary, Paxton, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Risk, Roselius, Ronquillo, St. Paul, Staes, Smart, Swazey, Shelton, Smith, Smith, Sibley, Simms, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Van Wickle, Villere, Waddill, Williams and Wittington—74 nays; consequently the motion was lost.

Mr. Reeves offered the following resolution, which, being read, was on motion adopted:

Resolved, That this Convention do now proceed to the election of a Reporter.

The nomination being then in order,

Mr. Dorsey nominated Mr. James Edward as a candidate, and Mr. Van Wickle nominated Mr. R. J. Ker.

Mr. King of St. Landry, moved to take a recess of fifteen minutes, for the purpose of consulting on the choice of a candidate, which motion prevailed.

The recess having expired, the President called the Convention to order, and

On motion the Convention then proceeded to the election of a Reporter.

On the roll being called, it appeared that the following delegates voted for Mr. James Edward:

Hon. D. F. Kenner, President, Anderson of St. Landry, Anderson of Carroll, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquie, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugue, Duffel, Edwards of Ouachita, Edwards of Washington, Eggleston, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hodges, Hunt, Jennings, Jones, Key, King of St. Landry, Leefe, Leeds, Lobdell, McIlhenny, Mathews of Orleans, Marrero, Monge, Nicholls, Olivier of St. Mary, Olivier of St. Martin, Palfrey, Preaux, Price, Pierce, Pierson, Reeves, Richardson of St. Mary, Risk, Roselius, Roman, Roysden, St. Paul, Staes, Swazey, Shaw, Tatman, Taliafero, Thibodeaux, Thompson, Todd and Williams—72 votes; and that

The following delegates voted for Mr. R. J. Ker:

Messrs. Addison, Bartlett, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Deloney, Dossen, Farmer, Hatch, Herron, Hebert, Isaacks, Jourdan, LeBlanc, McMillen, Mathews of Point Coupee, Moss, Parham, Paxton, Phillips, Pugh, Richardson of Ouachita, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith of West Feliciana, Sibley, Simms, Stewart, Talbot, Van Wickle, Villere, Waddill and Wittington—40 votes.

Mr. James Edward, having received the required majority, was declared by the President duly elected Reporter of this Convention.

Mr. Deloney offered the following resolution, which was read, and on motion adopted:

Resolved, That 300 copies of the census of the State of Louisiana, of the year 1850, be printed for the use of the Convention.

On motion the Convention took up from the unfinished business of yesterday the following resolution:

Resolved, That a Committee on Levees and Public Improvements of        members be appointed, to whom may be referred, and who are requested to take into consideration, and report to this Convention for their action, a proper and feasible plan to secure such objects.

Mr. Thompson moved to lay the resolution upon the table.

On said motion Mr. Guion called for the yeas and nays, which resulted as follows:

Messrs. Benjamin, Dufour, Mathews, Roselius, Dugue, Roman, Herron, Thompson, Deloney, Ronquillo, Robinson, McIlhenny, Leeds, Bradford, Jennings, Price, Hayes, Risk, St. Paul, Staes, Leefe, Hernandez, Cotton, Besancon, Mather, Beale, Smith, Dorsey, Parham, Dosson, Richardson of Ouachita, Sandidge, Roysden, Bullard, Tatman, Moss, Declouet, Palfrey, Addison, Hatch, Edwards of Washington, Carter, Shaw, Reeves, Taliafero, Shelton, Hough, Todd, Farmer, King, Harris, Hargis, Pierce, Hodges, Douglass, McMillen, Smart, Davidson, Campbell, Isaacks, King, Swazey, Akenhead, Paxton, Monge, Richardson of St. Mary, Olivier of St. Mary—67 yeas.

And Messrs. Gardere, Guion, Stewart, Villere, Marrero, Byrne, Hunt, Brother, Avery, Edwards of Orleans, Andrews, Eggleston, Buisson, Collens, Castellanos, Eustis, Jourdan, Rixner, Boudousquie, Armant, Duffel, Pugh, LeBlanc, Dalferes, Bernard, Key, Williams, Connely, Hebert, Talbot, Lobdell, Conrad, VanWickle, Sibley, Waddill, Anderson of St. Landry, Jones, Phillips, Simms, Mathews of Point Coupee, Anderson of Carroll, Beard, Scarborough, Bartlett, Pierson, Boyer, Olivier of St. Martin, Nicholls and Thibodeaux—49 nays; consequently said motion prevailed, and the resolution was laid on the table.

Mr. Bullard offered the following resolution, which, on motion, was laid upon the table, subject to the call of the Convention:

Resolved, That a Committee of members be appointed to inquire into the expediency of making any constitutional provisions for a general system of internal improvements in the State.

Mr. Byrne offered the following resolution:

Resolved, That the President of the Convention appoint a Post-master to this Convention, who shall receive — dollars per day for his services.

On motion the above resolution was adopted, and, on a further motion, the blank in the same was filled by the word "two."

Mr. Roysden offered the following resolution, which was lost:

Resolved, That the whole of the title sixth of the Constitution of this State be referred to the Committee on General Provisions, with instructions to recommend such changes, alterations and amendments, if any they may deem proper and expedient, and report them as soon as practicable.

Mr. Gardere offered the following resolution, which was also lost:

Resolved, That the eighth section of the Constitution, which was made the special order of the day for Thursday next, be referred to the Committee on Legislative Department, with instructions to report thereon on that day, or sooner, if practicable.

#### ORDER OF THE DAY.

The Convention proceeded to take into consideration the fifth article of the Constitution, which reads as follows:

Art. 5. Representatives shall be chosen on the first Monday in November, every two years; and the election shall be completed in one day. The General Assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be



appointed by law, and their session shall be held at the seat of government.

The Convention also took up the following substitute, offered by Mr. Jones :

Art. 5. Representatives shall be chosen on the first Monday in ———, every two years ; and the election shall be completed in one day. The General Assembly shall meet every year, on the third Monday in January, unless a different day shall be appointed by law, and their sessions shall be held at the seat of government.

Mr. Jones moved to insert in the above blank the word " May."

Mr. Dufour moved as a substitute to insert the word " April."

Mr. Guion moved to refer the article and the substitute to the Committee on the Legislative Department.

Mr. King, of St. Landry, moved for the previous question, which was carried.

The President then put the question, severally, on the motions of Messrs. Guion, Jones and Dufour, which were lost.

Mr. Jones then moved the adoption of his substitute, which was lost.

The fifth article being then before the Convention,

Mr. Avery moved to strike out in the same the words " second year," and to insert in lieu thereof, the word " annually." On said motion the yeas and nays were called for, and resulted as follows :

Messrs. Anderson, of Carroll, Bartlett, Bullard, Dalfreres, Dorsey, Harris, Hargis, Hodges, Isaaks, King of Jackson, LeBlanc, McMillen, Parham, Pierce, Pugh, Richardson, of Ouachita, Richardson of St. Mary, Rixner, Ronquillo, Sandidge, Smart, Sibley, Van Wickle and Wittington—24 nays.

And Messrs. Anderson, of St. Landry, Akenhead, Avery, Addison, Armant, Bradford, Benjamin, Besancon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Connely, Conrad, Davidson, Delony, Declouet, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards, Edwards, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hayes, Herron, Hebert, Hernandez, Hough, Hunt, Jennings, Jourdan, Jones, Key, King, Leefe, Leeds, Lobdell, McIlhenny, Mathews, Mathews, Marrero, Mather, Moss, Monge, Nicholls, Olivier, Olivier, Palfrey, Paxton, Preaux, Price, Pierson, Phillips, Reeves, Risk, Roselius, Roman, Roysden, Robinson, St. Paul, Staes, Swazey, Shaw, Scarborough, Shelton, Smith, Smith, Simms, Stewart, Tatman, Talbot, Taliaferro, Thibodaux, Thompson, Todd, Villere, Waddill, Williams—95 yeas.

Consequently the motion prevailed and the amendment was adopted.

Mr. Brother then moved to strike out in the second line the word " first," and to insert in lieu thereof the word " third."

Mr. Cotton moved as a substitute to strike out " first Monday in November," and to insert " second Monday in October."

Pending the consideration of said motions—

Mr. King moved to postpone the further consideration of said article, and to make it the special order of the day for Monday the 19th inst., which motion was lost.

The President then put the question on the substitute of Mr. Cotton to the amendment offered by Mr. Brother, which was lost.

Mr. King, of St. Landry, moved to insert, after the

words " two years," the words " unless otherwise provided by law."

Mr. Herron moved to lay said motion on the table, which was carried.

Mr. Smart moved to strike out " third Monday in December," and to insert the words " first Monday in January."

Mr. St. Paul moved as a substitute to strike out " third Monday in January," and to insert in lieu thereof " first day of May."

On motion of Mr. Armant the amendment and substitute were laid on the table.

Mr. Harris then moved to strike out " ten," in the second line, and to insert in lieu thereof the word " annually."

Mr. Bienvenu moved to lay the amendment upon the table.

On said motion Mr. Harris called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Bernard, Beard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Conrad, Dalfreres, Davidson, Declouet, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards, Edwards, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hayes, Hernandez, Hough, Hunt, Jennings, Jones, Key, King, King, Leefe, Leeds, Lobdell, McIlhenny, McMillen, Mathews, Mathews, Marrero, Mather, Moss, Monge, Nicholls, Olivier, Olivier, Palfrey, Paxton, Preaux, Price, Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Smart, Swazey, Shaw, Shelton, Smith, Smith, Sibley, Simms, Tatman, Thibodaux, Thompson, Waddill, Williams, Wittington—91 yeas.

Messrs. Anderson of Carroll, Addison, Besancon, Beale, Cotton, Deloney, Dorsey, Harris, Hargis, Herron, Hebert, Hodges, Isaacks, Jourdan, Parham, Pierce, Roysden, Robinson, Sandidge, Staes, Scarborough, Stewart, Taliaferro, Todd, Villere and Van Wickle—26 nays.

Consequently the motion was lost and the amendment was adopted.

On motion of Mr. Thompson, the 5th article was adopted as amended.

On the 6th article being read as follows :

Art. 6. No person shall be a Representative, who, at the time of his election, is not a free white male, and has not been for three years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State for the three years next preceding the election and the last year thereof in the parish for which he may be chosen.

Mr. Todd offered the following substitute :

Art. 6. Every duly qualified elector under this Constitution shall be eligible to a seat in the House of Representatives.

Mr. Dufour offered the following amendment :

The Representatives shall be duly qualified electors in the parishes which they represent.

Mr. Delony offered the following amendment :

No person shall be a Representative who at the time of his election is not a qualified elector of the parish in which he resides.

On motion to lay the substitute, the proviso and the amendment on the table, Mr. Swazey called for the yeas which resulted as follows :



Messrs. Anderson, Anderson, Akenhead, Avery, Andrews, Addison, Armant, Bartlett, Beard, Boudousquie, Collens, Conrad, Dugue, Edwards of Washington, Eggleston, Jones, Key, Lobdell, Mathews of Orleans, Mather Monge, Preaux, Pierson, Richardson of St Mary, Rixner, Roman, Staes, Swazey, Tatman and Thompson—30 yeas.

And Messrs. Bradford, Benjamin, Besancon, Bernard, Beale, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Cotton, Connely, Dalferes, Davidson Delony, Declouet, Dorsey, Dosson, Douglass, Dufour, Duffel, Edwards of Orleans, Eustis, Farmer, Gardere, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, King, King, Leece, Leeds, LeBlanc, McIlhenny, McMillen, Mathews of P C, Marrero, Moss, Nicholls, Olivier, Olivier, Parham, Palfrey, Paxton, Price, Pierce, Phillips, Pugh, Reeves, Richardson of Ouachita, Risk, Roselius, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Smart, Shaw, Scarborough, Shelton, Smith, Sibley, Simms, Stewart, Talbot, Taliaferro, Thibodaux, Todd, VanWickle, Villere, Waddill, Williams, Wittington—88 nays.

Consequently the motion to lay on the table was lost.

Mr. Sandidge then moved to lay the propositions of Mr. Dufour and that of Mr Deloney on the table.

On the votes being taken it appeared that 52 voted for and 52 voted against the motion of Mr. Sandidge, there being a tie, and the President voting in the affirmative, the motion to lay on the table was carried.

The substitute then being before the Convention, Mr. Davidson offered the following proviso :

Provided, he be a qualified elector of the parish in which he is chosen at the time of his election.

The following named Delegates offered the following substitutes to the above proviso, which were, on motion, severally laid on the table :

Mr. Hargis :

Art. 6. No person shall be a Representative who, at the time of his election is not a free white male, and has not been one year a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State for one year next preceding his election, and the last six months in the parish for which he may be chosen.

Mr. Douglass :

Art. 6. No person shall be a Representative, who, at the time of his election is not a free white male citizen of the United States, and has not attained the age of twenty-one years, and resided in the State and parish for which he may be chosen one year next preceding the election.

Mr. Swazey :

Art. 6. No person shall be a Representative, who, at the time of his election is not a free white male, and has not been for two years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State for two years next preceding his election, and the last year thereof in the parish for which he may be chosen.

Mr. Parham :

Art. 6. No person shall be a Representative who, at the time of his election is not a free white male, and a citizen of the United States, and has not attained the age of twenty-one years, and resided in the State one year next preceding the election.

Mr. Phillips offered the following proviso as a substitute to the proviso offered by Mr. Davidson :

Provided the Representative be qualified elector of the parish, and the Senator of the Senatorial District from which he is chosen at the time of the election.

The question being taken on the above proviso, Mr. Jennings moved that the above subject be made the special order of the day for to-morrow morning, at 9 o'clock, immediately after the reading of the journal, and that the Convention do now adjourn, which motion was lost.

On motion the proviso was adopted, and on a farther motion to adopt the substitute as amended the yeas and nays being called for resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Armant, Boudousquie, Dugue, Edwards of Washington, Eggleston, Gardere, Hargis, Jones, Lobdell, Monge, Olivier of St. Mary, Palfrey, Rixner, Roman, Staes, Swazey, Tatman and Thompson—20 nays.

And Messrs. Avery, Andrews, Anderson of Carroll, Addison, Bradford, Bartlett, Benjamin, Besancon, Bernard, Beale, Beard, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Connely, Dalferes, Davidson, Deloney, Declouet, Dorsey, Dosson, Douglass, Dufour, Duffel, Edwards of Orleans, Eustis, Farmer, Guion, Hatch, Hayes, Harris, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King, King, Leece, Leeds, LeBlanc, McIlhenny, McMillen, Mathews, Mathews, Moss, Nicholls, Olivier of St. Martin, Parham, Paxton, Preaux, Price, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Risk, Roselius, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Shaw, Scarborough, Shelton, Smith, Smith, Sibley, Simms, Stewart, Talbot, Taliaferro, Thibodaux, Todd, Van Wickle, Villere, Waddill, Williams and Wittington—97 yeas.

Consequently said motion prevailed, and the substitute as amended was adopted.

The Convention then took up Article 7, which read as follows :

Art. 7. Elections for Representatives for the several parishes or Representative districts shall be held at the several election precincts established by law. The Legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

On motion, the following words were inserted after the words "elections of Representatives," General Assembly, which was adopted.

Mr. Collens then moved to strike out the following words : "the several parishes or Representative districts," which, on motion, was also adopted.

On motion, the article as amended was adopted.

Article 8 being fixed as the special order of the day for Thursday, the 15th instant, was laid over.

The Convention then took up for consideration article 9, which read as follows :

"The House of Representatives shall choose its Speaker and other officers."

On motion the above article was adopted.

The article 10 being taken up and read as follows :

Article 10. In all elections by the people every free white male who has been two years a citizen of the United States who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting ; provided, that no person shall be deprived of the right of voting who at the time of the adoption of this Constitu-



tion was entitled to that right under the Constitution of 1812. Electors shall in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to or returning from elections.

Mr. Delony offered the following substitute to the above article :

Article 10. In all elections by the people, every free white male citizen of the United States who has attained the age of twenty-one years, and has been a resident of the State for one year next preceding the election and the last six months thereof a resident of the parish in which he offers to vote, shall have the right of voting ; provided, that no elector shall lose his elective right on account of residence in one parish before he acquires it in another. Electors shall in all cases except treason, felony, breach or surety of the peace be privileged from arrest during their attendance at, going to or returning from elections.

The following named Delegates offered the following amendments, which, on motion of Mr. Guion, were referred with the article and substitute to the Committee on Electoral Franchise.

Mr. Davidson :

Article 10. In all elections by the people every free white male who has been one year a citizen of the United States, who has attained the age of twenty-one years and resided in the State one year next preceding the election and the last six months thereof in the parish in which he offers to vote, shall have the right of voting. Electors shall, in all cases, except treason, felony and breach or surety of the peace be privileged from arrest, during their attendance at, going to or returning from elections.

Mr Cotton :

Art. 10. In all elections by the people, every free white male who has become a citizen of the United States, who has attained the age of twenty-one years, and resided in the State one year next preceding the election, and the last six months thereof in the parish in which he offers to vote, shall have the right of voting.

Electors shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

Mr. Richardson, of St. Mary :

Art. 10. In all elections by the people, every free white male who is a citizen of the United States, and has attained the age of twenty-one years, and resided in the State six months next preceding the election, and the last three months thereof in the Parish in which he offers to vote, shall have the right of voting.

Electors shall, in all cases except treason, felony, breach of surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

Mr. Jones offered the following resolution, which was read and adopted :

Resolved, That any member who may have prepared a substitute for article 10, be permitted to hand the same to the Secretary to be laid before the committee.

The President informed the Convention that in compliance with a resolution adopted by the Convention, that he had appointed Mr. J. B. Houghton Post-master to the Convention.

Mr. Besancon then moved that the Convention do now adjourn until Monday morning at 9 o'clock A. M.

On said motion, the yeas and nays were called, and resulted as follows :

Messrs. Besancon, Beale, Castellanos, Carter, Collens, Deloney, Eggleston, Herron, Hernandez, Jennings, Preaux, Staes, Smith of West Feliciana—13 yeas.

Messrs. Anderson, Anderson, Akenhead, Avery, Andrews, Addison, Armant, Bradford, Bartlett, Benjamin, Bernard, Beard, Bienvenu, Brother, Boudousquie, Boyer, Buisson, Byrne, Campbell, Cotton, Connely, Conrad, Dalferes, Davidson, Deolouet, Dorsey, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards, Edwards, Eustis, Farmer, Gardere, Guion, Hateh, Hayes, Harris, Hargis, Hebert, Hough, Hodges, Hunt, Isaacks, Jourdan, Jones, Key, King, King, Leefe, Leeds, LeBlanc, Lobdell, McIlhenny, McMillen, Mathews, Mathews, Marrero, Mather, Moss, Monge, Nicholls, Olivier, Olivier, Parham, Paxton, Price, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of Winn, Sibley, Simms, Stewart, Tatman, Talbot, Taliaferro, Thibodaux, Thompson, Todd, VanWickle, Villere, Waddill, Williams and Wittington—105 nays; consequently said motion was lost.

On motion the Convention adjourned until to-morrow at 9 o'clock, A. M.

SATURDAY, July 10, 1852.

The Convention met pursuant to adjournment.

Present, Hon. D. F. Kenner, President of the Convention, and 96 delegates.

The Rev. Mr. Woodridge opened the proceedings with prayer.

On motion, leave of absence was granted to the following named delegates : Messrs. Beale, Van Wickle and Preaux.

Mr. Gardere, on behalf of the Committee on Contingent Expenses, submitted the following report, accompanied by a resolution :

The Committee on Contingent Expenses respectfully submit the following report :

That upon inquiry at the Treasurer's office, they have found that, although there is a large amount deposited to the credit of special funds belonging to the State, and affected by law to specific purposes, only a small sum stands credited to the *General Fund*, from which the appropriation made by the act calling this Convention is legally to be drawn ; and that the Treasurer will, therefore, for some time to come, be unable to meet the demands which may be made to pay the mileage and per diem of the members of the Convention, and the current expenses of the same.

To get over this difficulty, your committee have applied to the Branch of the Louisiana State Bank in this town, for a loan of twenty-five thousand dollars, (\$25,000) predicated upon the appropriation for the same amount, made by law during the last session of the General Assembly, to defray the expenses of the Convention ; and although they have not as yet received a positive answer, yet they have reason to believe that there exists but little doubt that the mother bank in New Orleans will authorize the loan, at the rate of six per cent. per annum, re-imbursable by the State when in funds. Your committee accordingly ask to be authorized to effect this loan, on condition that the money shall be credited in the branch bank to the account of the Convention, and shall be



drawn for on the warrant of the President, made in the usual form, in favor of the members of this body and its officers, and for such other purposes as may be duly authorized by resolutions of the Convention; and for that purpose they accompany the present report with a resolution conferring the power necessary to close the negotiation, should their application be granted.

Your committee deem it their duty to state that, after a careful examination of the law calling a Convention, they are clearly of opinion that only \$25,000, and no more, have been appropriated to defray all the expenses of the same; and that this sum, which at the time the appropriation was made had been considered as sufficient, because it was then supposed that the session of the Convention would be short and inexpensive, can now be proved to be totally inadequate to effect the purpose intended, as is fully shown from the following statement:

Amount of appropriation.....	\$25,000
Mileage of members, as per statement furnished by Warrant Clerk.....	\$10,980
Appropriated towards payment of postage.....	500
Purchase of stationery by Sergeant- at-Arms, and other incidental ex- penses prior to the opening of the Convention, estimated at.....	250
	<hr/>
	\$11,730

The daily expense of the Convention, exclusive of the cost of printing and other contingent expenses, is as follows:

130 members at \$4 per day.....	\$ 520
1 Secretary.....	14
1 Assistant Secretary.....	10
1 Reporter.....	10
2 Translating Clerks at \$5 each.....	16
4 Recording Clerks, at \$6 each.....	24
1 Sergeant-at-Arms.....	6
1 Door-keeper.....	6
1 Postmaster.....	2
	<hr/>

Daily pay of members and officers.....	\$608
For ten copies of newspapers to each member, making 1500 copies daily, estimated at.....	40
	<hr/>

	\$648
20 days by the above will give an amount of.....	12,960
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Making a total of..... \$24,690--\$24,690

From the above it is clearly seen that the amount appropriated will not suffice to pay the expenses of this Convention for a longer session than twenty (20) days, leaving unpaid the printer's bill, and other unforeseen incidental expenses.

Your committee will state in conclusion, that after the appropriation is exhausted, they do not see how they can audit and countersign any warrants on the Treasury, as they are of opinion that they would, by so doing, act illegally, and without any authority whatever.

[Signed,] FERGUS GARDERE, Chairman.

Resolved, That the Committee on Contingent Expenses be and is hereby authorized, in the name of the Convention, to negotiate and effect with the Branch of the Louisiana State Bank in Baton Rouge, a loan at the rate of six per cent. per annum, predicated on the law of 1852, by which this Convention has been called, and for the full amount appropriated therein; the proceeds of which loan is to stand deposited in the said Branch Bank to be drawn against from time to time, by warrants of the President of said Convention, countersigned by the Secretary thereof, and audited by one of the members of the Committee on Contingent Expenses.

On motion of Mr. Phillips, the above report and resolutions were adopted.

Mr. Sandidge offered the following resolution:

Resolved, That the Committee on the Judiciary Department be instructed to report to this Convention the propriety of reducing the number of Judges of the Supreme Court, and the constituting of a Court of Errors only. Also as to the propriety of authorizing the General Assembly to establish other courts beside those mentioned in the Constitution of 1845; and what amendments thereto would be necessary to carry out these principles.

The above resolution having been read, Mr. Sandidge moved to refer the same to the Judiciary Committee, which motion prevailed.

Mr. Jennings, from the Special Committee appointed to fix the compensation to be allowed to the officers of the Convention, etc., etc., submitted the following report:

The committee, to whom was referred the compensation of the several officers of the Convention, have taken this matter into due consideration, and have agreed to fix the salary of the Printer of the Convention as follows; all of which is respectfully submitted:

1. For two hundred copies of the Journal of the Debates of the Convention, in book form, in French and English, printed in minion, and composed with the matter published in the Journal, the pages to have eighty-one lines in length, including the title, the blank line under the title and the foot-line,—the books to be stitched and bound in the same manner as the law-books,—two dollars and fifty cents will be allowed for each page; and for every two hundred copies after the first two hundred, two dollars per page.

2. For all reports, documents or other matters printed in book or pamphlet form, in French and English, and composed in long primer, the pages to be of the same length as the pages of the Acts of the Legislature of 1852, two dollars and a half per page; and for every two hundred pages after the first two hundred, one dollar and twenty-five cents, including the binding, etc.

3. For the resolutions printed on foolscap paper, in French and English, in long primer or small pica leaded, having the width of twenty-five ems long primer, the length of eighty lines, the lines and sections to be counted as above, for one hundred and fifty copies, or less, three dollars and fifty cents per page, and two dollars for every one hundred pages after the first one hundred.

4. For all illustrated works, one dollar will be allowed for one thousand ems over the prices herein above fixed, but these works shall be distinctly specified in the account to be rendered to the officer charged with the settlement.

5. For the blanks, the same compensation as allowed to the State Printer by the act of 1846.

6. For all matters published in the Journal, per page (the space to be covered by one hundred words or more), fifty cents for the first insertion, and twenty-five cents for each subsequent one.

On motion of Mr. Connely, the further consideration of the report was postponed until Monday, the 12th inst.

Mr. Sandidge offered the following resolution:

Resolved, That the Committee on Amendments to the Constitution be instructed to report what change, if any, is necessary as to the mode of amending the Constitution, as provided in article 140.

On motion, the above resolution was laid on the table.

Mr. Conrad being absent on yesterday when the vote was taken on article 6 of the Constitution, obtained leave



to record his vote, and voted in the negative. With leave the same delegate submitted the following protest, which, on motion, was ordered to be spread on the journal:

The undersigned being of opinion that the amendment to article 6 of the Constitution, placing the qualifications for eligibility to the Senate on the same footing with those which are required for eligibility to the House of Representatives, is a grave departure from those simple and fundamental principles of organic law which have been recognized in theory, and adopted in practice, since the commencement of American liberty and independence; that by American practice it is generally conceded that one of the Houses of a Legislature should be constituted upon more conservative principles than the other—among which principles for this end that have been the most generally recognized, the most simple and least objectionable, consist in the difference of age in the members of the two bodies, and the difference of time required for residence of each—protests against the incorporation of this new, and as he conceived retrograde principle in the Constitution of this State, and asks that this protest be extended upon the journals as evidence of the manner in which he would have voted, had he been present at the final passage of said article, and the reasons for his vote.

(Signed.) F. D. CONRAD.

Mr. Declouet having voted in the majority on the motion to adopt article 6 of the Constitution, moved for a reconsideration.

On said motion. Mr. Farmer called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Armant, Boudousquie, Castellanos, Campbell, Collens, Conrad, Declouet, Dorsey, Edwards of Washington, Farmer, Gardere, Hayes, Harris, Hargis, Herdandez, Jennings, Jones, King, of St. Landry, Leefe, Lobdell, Mathews of Orleans, Monge, Nicholls, Olivier of St. Mary, Olivier of St. Martin, Paley, Price, Richardson of Ouachita, Rixner, Roselius, Roman, Staes, Swazey, Shaw, Scarborough, Tatman, Thompson, Williams—40 yeas.

Messrs. Avery, Anderson of Carroll, Addison, Bradford, Bartlett, Benjamin, Besancon, Bernard, Beard, Bienvenu Brother, Boyer, Bullard, Buisson, Byrne, Carter, Cotton, Dalferes, Davidson, Delony, Dosson, Douglass, Dufour, Duffel, Edwards of Orleans, Eggleston, Eustis, Guion, Hatch, Herron, Hebert, Hough, Hodges, Hunt, Isaaks, Jourdan, Key, Leeds, LeBlanc, McIlhenny, Mathews of P. C., Marrero, Moss, Paxton, Parham, Pearce, Pierson, Phillips, Pugh, Reeves, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Shelton, Smith, Sibley, Simms, Stewart, Talbot, Taliafero, Thibodaux, Todd, Villere, Waddill, Wittington—71 nays.

Consequently the motion was lost, and the Convention refused the reconsideration.

Mr. Jones having voted with the majority upon the adoption of the fifth article of the Constitution, moved for a reconsideration of the same, which was lost.

Mr. Jones offered the following resolution, which, under the rules of the Convention, was laid over:

Resolved, That the following be adopted as an additional rule of the Convention: That whenever the Convention shall desire to refer any subject to a Committee of the Whole, they shall hold an evening session for that purpose, and said committee shall report to the Convention next morning.

Mr. Eustis offered the following resolution, which was, on motion, laid upon the table:

Resolved, That title six of the Constitution be referred to the Committee on General Provisions, with instructions to report as soon as practicable.

#### ORDER OF THE DAY.

The Convention then proceeded to take into consideration article 11 of the Constitution, which reads as follows:

Article 11. Absence from the State for more than ninety consecutive days, shall interrupt the acquisition of the residence required in the preceding section, unless the person absenting himself shall be a housekeeper, or shall occupy a tenement for carrying on business, and his dwelling-house or tenements for carrying on business shall be actually occupied during his absence by his family or servants, or some portion thereof, or by some one employed by him.

Mr. Guion moved to reject the whole article, which motion was carried.

The 12th article was then taken up, and read as follows:

Article 12. No soldier, seaman or marine in the Army or Navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State.

Mr. Risk moved to refer the 12th and 13th articles of the Constitution to the Committee on Electoral Franchise, which motion was lost.

Mr. Cotton then offered the following substitute to the above article:

Article 12. No pauper, no idiot, no person under interdiction nor under conviction of any crime punishable with hard labor in the State Penitentiary, shall be entitled to vote at any election in this State.

On motion of Mr. Hunt the substitute was laid upon the table.

Mr. Phillips then moved to strike out in the 12th article the words "no pauper," and to insert in lieu thereof the words "No person supported by public charity or under conviction of vagrancy."

Mr. Hunt moved to lay the above amendment upon the table, which motion prevailed.

Mr. Dufour moved to strike out in the said article the following words: "No soldier, seaman or marine in the Army or the Navy of the United States."

Pending the consideration of the above amendment,

Mr. Waddill offered the following as a substitute to the above article:

Article 12. No pauper, no person under interdiction, nor under any conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State, nor shall the right be extended to any soldier, seaman or marine in the Army or Navy of the United States, unless serving therein as militia of the State; and provided further, that he have the necessary qualifications of an elector in the place where he offers to vote.

On motion of Mr. King, of St. Landry, said substitute was laid upon the table.

Mr. Simms offered the following resolution, which, on motion of Mr. King, of St. Landry, was laid upon the table:

Resolved, That article 12 of the Constitution be referred to the Committee on the Elective Franchise, to be reported on after article 10.

Mr. Collens then moved as a substitute to the first clause of the above article, the following words:

"For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his pre-



sence or absence while employed in the Army or Navy of the United States." (Nor shall, etc., etc.)

Pending the consideration of the above substitute, Mr. Benjamin called for the previous question, which was carried.

The President then announced that the first question on which the Convention was called upon to give a vote was the substitute offered by Mr. Collens.

The question being put on said substitute, the Convention decided in the negative; consequently the substitute was laid on the table.

The question then being on the amendment offered by Mr. Dufour, the same delegate called for the yeas and nays on its adoption, which resulted as follows:

Messrs. Addison, Bartlett, Besancon, Bienvenu, Boyer, Byrne, Castellanos, Cotton, Davidson, Dufour, Hargis, Herron, Jennings, Staes and Shaw—15 yeas.

And Messrs. Anderson, Anderson, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquie, Bullard, Buisson, Carter, Campbell, Collens, Connely, Conrad, Dalferes, Delony, Declouet, Dorsey, Dosson, Douglass, Duffel, Edwards, Edwards, Eggleston, Eustis, Gardere, Guion, Hatch, Hayes, Harris, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jourdan, Jones, Key, King, King, Leece, Leeds, Lobdell, LeBlanc, McIlhenny, McMillen, Mathews, Mathews, Marrero, Moss, Monge, Nicholls, Olivier, Olivier, Parham, Palfrey, Paxton, Price, Pierce, Phillips, Pugh, Reeves, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Swazey, Scarborough, Shelton, Smith of Winn, Sibley, Simms, Stewart, Tatman, Talbot, Taliafero, Thibodaux, Thompson, Todd, Villere, Waddill, Williams and Wittington—95 nays; consequently said motion was lost.

Mr. Parham then moved the adoption of the article, which was carried.

Mr. Carter having voted in the majority on the motion to reject article 11, moved for a reconsideration of the same.

On said motion Mr. Phillips called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St Landry, Akenhead, Addison, Bradford, Beard, Castellanos, Carter, Collens, Conrad, Delony, Declouet, Dorsey, Dosson, Dufour, Edwards, Edwards, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hodges, Hough, Jennings, Jourdan, King of St Landry, Mathews of P C, Moss, Olivier of St Martin, Palfrey, Paxton, Pierce, Phillips, Reeves, Richardson, Ronquillo, Sandidge, Swazey, Shelton, Sibley, Stewart, Tatman, Talbot, Thibodaux, Thompson, Todd and Villere—48 yeas.

Messrs. Anderson of Carroll, Avery, Andrews, Armant, Bartlett, Benjamin, Besancon, Bernard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Campbell, Cotton, Dalferes, Davidson, Buffel, Douglass, Eggleston, Eustis, Gardere, Guion, Hayes, Hernandez, Hunt, Isaacks, Jones, Key, Leece, LeBlanc, Leeds, Lobdell, McMillen, Mathews of Orleans, Marrero, Monge, Nicholls, Olivier of St Mary, Parham, Price, Pugh, Richardson of St Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St Paul, Staes, Smart, Shaw, Scarborough, Smith, Simms, Taliafero, Waddill, Williams and Wittington—62 nays.

Consequently the motion to reconsider was lost.

The Convention then took up article 13, which read as follows:

Art. 13. No person shall be entitled to vote at any elec-

tion held in this State, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

Mr. McMillen offered the following as a substitute for the same:

Art. 13. That no elector shall be prohibited from voting for a Senator at any precinct in the Senatorial District, or for Judge, or District Attorneys, or for members of Congress, in either of the Parishes belonging to said District, provided he be a resident of the District in which he offers to vote.

Also, that he be privileged to vote for executive officers of the State, and for President and Vice-President of the United States in any parish of the State.

Mr. Todd moved to refer the article and the substitute to the Committee on Electoral Franchise, which motion was lost.

Mr. Waddill moved to amend the substitute as follows:

No person shall be entitled to vote at any election in this State, except in the parish of his residence and in cities and towns divided into election precincts, in the election precinct in which he resides, provided that every elector shall have the right of voting for the officers elected by the whole people of the State any where within its limits.

Mr. Richardson, of Ouachita, moved to lay the substitute and amendment on the table, which motion prevailed.

The thirteenth article being then before the Convention, Mr. Taliafero offered the following amendment to be inserted at the end thereof, "unless otherwise directed or permitted by law."

Mr. Herron moved to lay the amendment on the table, which was carried.

Mr. Delony then offered the following proviso, which, on motion, was laid on the table:

Provided that no elector of the State shall be deprived of the right to vote in any part of the State, over thirty miles from the parish of his residence, in elections for State and Federal officers.

Mr. Smart then offered the following substitute, which, on motion of Mr. Gardere, was also laid upon the table:

Art. 13. Every qualified elector shall be allowed to vote any where in this State for President of the United States, and for all State officers, and that he be allowed to vote any where in his Congressional District for a Congressman, and that he be allowed to vote any where in his Senatorial or Judicial District for Senator or Judge.

Mr. Bullard offered the following proviso to the above article:

Provided, notwithstanding that a qualified elector of the parishes of an Electoral District may vote for District officers in either parish of such District, and for all officers elected by general ticket in any part of the State.

Mr. Avery called for the previous question, which, on the motion being put, was carried.

The question being on the adoption of the proviso offered by Mr. Bullard,

Mr. Pierson called for the yeas and nays, which resulted as follows:

Messrs. Anderson, Anderson, Akenhead, Bartlett, Besancon, Beard, Boyer, Bullard, Cotton, Campbell, Davidson, Delony, Farmer, Harris, Hargis, Hough, Hodges, Jourdan, Mathews, Moss, Parham, Paxton, Pierce, Pierson, Roysden, Sandidge, Smart, Scarborough, Shelton, Sibley, Simms, Taliafero, Waddill and Wittington—34 yeas.



And Messrs. Avery, Andrews, Armant, Addison, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquie, Buisson, Byrne, Castellanos, Carter, Collens, Conrad, Dalferes, Delcouet, Dorsey, Dufour, Douglass, Duffel, Edwards, Edwards, Eggleston, Eustis, Gardere, Guion, Hatch, Hayes, Herron, Hernandez, Hunt, Isaacks, Jennings, Jones, Key, King, King, Leece, Leeds, LeBlanc, Lobdell, McMillen, Mathews of Orleans, Marrero, Monge, Nicholls, Olivier, Olivier, Palfrey, Price, Phillips, Pugh, Reeves Richardson, Richardson, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, St Paul, Swazey, Shaw, Smith of Winn, Stewart, Tatman, Talbot, Thibodaux, Thompson, Todd, and Williams—74 nays.

Consequently, the motion was lost and the proviso was laid upon the table.

On motion the above article was adopted without amendment.

The Convention then took up for consideration the 14th article, which read as follows :

Art. 14. The members of the Senate shall be chosen for the term of four years. The Senate when assembled shall have the power to choose its officers every two years.

Mr. Jennings moved to postpone the further consideration of said article, and to make it, with articles 15 and 16, the order of the day for Thursday, the 15th inst; which motion was lost.

The 14th article being then before the Convention,

Mr. Herron moved to strike out in the same the words "four years," and to insert in lieu thereof the words "two years," which motion was lost.

Mr. Hough then moved to strike out at the end of the article the words "every two years," which was carried.

On motion of Mr. King, of St. Landry, the fourteenth article, as amended, was adopted.

Mr. Bullard, having voted in the majority on the motion to adopt article twelve, moved for a reconsideration of the same, which was lost.

The Convention then proceeded to take into consideration article fifteen. Mr. Guion moved to refer the same, with article sixteen, to the Committee on the Legislative Department, which motion prevailed.

Article seventeen was then taken up and read as follows :

Article 17. At the first session of the General Assembly after this Constitution takes effect, the Senators shall be equally divided by lot into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any district shall have elected two or more Senators, said Senators shall vacate their seats respectively at the end of two and four years, and lots shall be drawn between them.

Mr. Waddill moved to refer the same to the Committee on the Legislative Department, which motion was lost.

On motion the 17th article was adopted without amendment.

The Convention then took up article 18 of the Constitution, which reads as follows :

Article 18. No person shall be a Senator, who, at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of twenty-seven years, and resided in the State four years next preceding his election, and the last year thereof in the district in which he may be chosen.

Mr. Jennings offered the following substitute to the same :

Article 18. No person shall be a Senator, who, at the time of his election, is not a citizen of the United States, and has not attained the age of twenty-five years, and resided in the State two years next preceding his election, and the last year thereof in the district from which he may be chosen.

Mr. Eustis moved to lay the substitute upon the table, which was carried.

The following delegates asked leave to have their votes recorded against the motion of Mr. Eustis to lay the above substitute upon the table, which was granted : Messrs. Declouet, Conrad, Connelly, Farmer, Tatman, Lobdell, Palfrey, McMillen, Roman, Jennings, Harris and Hargis.

Mr. Hough then moved to reject the whole article, which motion prevailed.

The Convention then took up the following articles, which, after being read, were severally adopted without amendment : articles 19, 20, 21 and 22.

On the 23d article being read as follows :

Article 23. Each House of the General Assembly shall keep and publish a weekly journal of its proceedings; and the yeas and nays of the members on any question, shall, at the desire of any two of them, be entered on the journal.

Mr. Jones moved to strike out in the above article the word "two" and to insert the word "ten."

Mr. Tatman moved, as a sub-amendment, to strike out the words "any two" and to insert in lieu thereof "one-fifth" of the members present.

Mr. Cotton moved to lay both amendments upon the table, which was carried.

On motion, the 23d article was adopted without amendment.

The 24th and 25th articles being read were, on motion, severally adopted without amendment.

On the 26th article being taken into consideration and read as follows :

Art. 26. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective Houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives by whom such alteration shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first Legislature which is to convene after the adoption of this Constitution.

Mr. Jones moved to strike out all after the words: "shall have been made," and to insert in lieu thereof the following words: "But if any session shall continue more than sixty days, to date from its commencement, no compensation shall be allowed beyond that time."

On motion of Mr. Waddill, the amendment was laid upon the table.

Mr. Gardere moved to amend the article by inserting the following words: "But the compensation for mileage shall not exceed one dollar for every twenty miles."

Mr. Todd moved to lay the amendment on the table.

On said motion Mr. Gardere called for the yeas and nays, which resulted as follows :



Messrs. Armant, Bradford, Bienvenu, Brother, Boudousquie, Boyer, Byrne, Castellanos, Carter, Collens, Conrad, Dalferes, Dorsey, Dufour, Duffel, Edwards, Eggleston, Farmer, Gardere, Hatch, Herron, Isaacks, Jennings, Jourdan, Leeds, LeBlanc, Mathews, Mathews, Marrero, Moss, Palfrey, Paxton, Pierson, Pugh, Richardson, Richardson, Rixner, Risk, Roman, Roysden, Robinson, Shaw, Scarborough, Simms, Stewart, Taliafero and Thompson—47 nays.

And Messrs. Anderson of Carroll, Avery, Andrews, Addison, Bartlett, Benjamin, Besancon, Bernard, Bullard, Buisson, Cotton, Connely, Davidson, Delony, Declouet, Dosson, Eustis, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Hunt, Jones, Key, King, King, Leefe, Lobdell, McIlhenny, McMillen, Monge, Nicholls, Olivier, Olivier, Parham, Price, Reeves, Roselius, Ronquillo, Sandidge, Staes, Smart, Swazey, Shelton, Sibley, Tatman, Talbot, Thibodaux, Todd, Villere, Waddill, Williams and Wittington—56 ayes.

Consequently the motion prevailed and the amendment was laid upon the table.

Mr. Hough offered the following, as a substitute to Article 26 :

Article 26. The members of the General Assembly shall receive from the public treasury such compensation for their services as may be fixed by the Legislature, but no alteration shall take effect during the period of service of the members of the House of Representatives by whom such alteration shall have been made.

Mr. Eustis moved to lay the amendment upon the table, which was carried.

Mr. Hargis then offered the following substitute to the above article :

Article 26. The members of the General Assembly shall receive from the public treasury a compensation to be fixed by law, but no alteration shall take effect during the period for which he was elected. No session shall extend beyond sixty days, to date from its commencement.

Mr. Stewart moved to lay the same on the table, which motion was carried.

Mr. Connely then moved to strike out all the last clause of the article after the words "null and void."

Mr. Waddill moved, as a sub-amendment, to strike out all after the words "been made."

Mr. King of St. Landry moved to lay both amendments on the table, which motion prevailed.

Mr. Richardson of St. Mary moved to strike out "sixty days" in the article, and to insert "forty days," which was lost.

Mr. Hough moved as an amendment to strike out the words "sixty days," and to insert in lieu thereof the words "fifty days."

Mr. Connely called for the previous question, which was carried.

The question then being on the proposition of Mr. Hough, the President put the question on its adoption, which was decided in the negative; consequently the motion was lost.

On motion the 26th article was adopted without amendment.

The 27th article being read, was, on motion, adopted without amendment.

The Convention then took up for consideration article 28 of the Constitution, which read as follows :

Article 28. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the

emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

Mr. Eustis moved to strike out the whole article, which motion was lost.

On motion the above article was adopted without amendment.

On the 29th article being taken up and read as follows :

Art. 29. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect, shall be eligible to the General Assembly.

Mr. Guion moved to reject the same.

On said motion, Mr. Richardson, of St. Mary, called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Bartlett, Brother, Byrne, Castellanos, Campbell, Connely, Conrad, Declouet, Eggleston, McIlhenny, Mathews of Orleans, Monge, Olivier, of St. Mary, Rixner, Risk, Roselius, Ronquillo, Robinson, Staes and Thibodaux—21 nays.

And Messrs. Anderson of Carroll, Avery, Andrews, Armant, Addison, Bradford, Benjamin, Besancon, Bernard, Bienvenu, Boudousquie, Boyer, Bullard, Buisson, Carter, Collens, Cotton, Davidson, Delony, Dorsey, Dosson, Douglass, Dufour, Duffel, Edwards, Edwards, Eustis, Farmer, Gardere, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King, King, Leefe, Leeds, LeBlanc, Lobdell, McMillen, Mathews of P C, Marrero, Moss, Nicholls, Olivier of St. Martin, Parham, Palfrey, Paxton, Price, Pierce, Pierson, Pugh, Reeves, Richardson, Richardson, Roman, Roysden, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of Winn, Sibley, Simms, Stewart, Tatman, Talbot, Taliafero, Thompson, Todd, Villere, Waddill, Williams and Wittington—37 yeas.

Consequently the motion prevailed, and the 29th article was rejected.

The Convention then took up article 30 of the Constitution, which read as follows :

Art. 30. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

On motion of Mr. Connely, the following words were inserted after the word "taxes" : "whether State, Parish or Municipal."

On motion, the article as amended was adopted.

The 31st article being before the Convention, on motion it was adopted without amendment.

The Convention took up for consideration article 32, which read as follows :

Art. 32. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills; *provided*, they not introduce any new matter under the color of an amendment which does not relate to raising revenue.

Mr. Herron moved to reject the whole article, which motion was lost.

On motion, the article was adopted without amendment.

The 33d article being then before the Convention, was, on motion, adopted without amendment.

On the 34th article being taken up and read as follows :

Art. 34. A majority of all the members elected to the



Senate, shall be required for the confirmation or rejection of officers to be appointed by the Governor, with the advice and consent of the Senate; and the Senate in deciding thereon, shall vote by yeas and nays, and the names of the Senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

Mr. Benjamin moved to strike out the words "or rejection," which was carried.

Mr. Cotton then moved to refer the article to the Committee on the Legislative Department, which motion was lost.

Mr. Herron moved to insert after the words "yeas and nays," the following words: "with opened doors," which motion was lost.

On motion, the article, as amended by Mr. Benjamin, was adopted.

The 35th article being read, was, on motion, adopted.

On the 36th article being taken up and read as follows:

Art. 36. A Treasurer of the State shall be elected biennially, by joint ballot of the two Houses of the General Assembly. The Governor shall have the power to fill any vacancy that may happen in that office during the recess of the Legislature.

Mr. Villere offered the following substitute to the above article:

Art. 36. A Treasurer of the State shall be elected biennially by the qualified electors of this State. The Governor shall have power to issue writs of election in case of vacancy in the office.

On motion of Mr. Benjamin, the above substitute was laid on the table, and on a further motion, the 36th article was stricken out.

The 37th article being read, was, on motion, adopted.

On motion, the Convention adjourned until Monday morning, at 9 o'clock, A. M.

#### MONDAY, July 12, 1852.

The Convention met pursuant to adjournment.

The Hon. D. F. Kenner, President of the Convention, being absent, Mr. King, of St. Landry, was requested to take the Chair.

The Rev. Mr. Chadburn opened the proceedings with prayer.

Present: one hundred Delegates.

Mr. Hayes asked leave of absence for Mr. Price, on account of sickness, which was granted.

On motion of Mr. Guion, leave of absence was granted to Mr. Key.

Mr. Richardson, of Ouachita, asked leave of absence for Mr. Lemaitre, Door Keeper of the Convention, on account of sickness in his family, which was granted.

Mr. Jennings offered the following resolution, which, on motion, was referred to the Committee on Electoral Franchise:

Resolved, That the General Assembly shall provide by law, for the registration of all the qualified electors residing in this State in the cities and towns whose white population exceeds two thousand, and which registration shall be made out within thirty days preceding any general election.

Mr. Moss having voted in the majority on the adoption

of article 34 of the Constitution, moved for a reconsideration of the same, which was granted.

Article 34 being then before the Convention, Mr. Parham moved to strike out the first part of the article, and to amend the other part, so that the article shall read as follows:

The Senate shall vote on the confirmation of officers to be appointed by the Governor, with the advice and consent of the Senate, by yeas and nays; and the names of Senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

On motion of Mr. Hunt, the amendment was adopted, and on a further motion, the article as amended was adopted.

Mr. Simms offered the following resolution, which, on motion, was laid on the table subject to the call of the Convention:

Resolved, That it is the sense of this Convention that the result of its labors, before going into effect, should be submitted to the people of the State, for their approval or rejection. And, that all to whom the right of suffrage shall be extended by the said Constitution, as amended or changed, shall be entitled to the right of voting on the same. And further, that the Committee be directed to report a provision to that effect.

Mr. Cotton offered the following resolution, which was read, and on motion referred to the Committee on Electoral Franchise:

Resolved, That in all elections by the people, or by the Senate and House of Representatives, the vote shall be given *viva voce*.

Mr. Isaacks offered the following resolution, which being read, was on motion referred to the Committee on General Provisions:

Resolved, That Article 113 of the Constitution of 1845 be referred to the Committee on General Provisions, and that said committee be requested to report thereon at as early a day as convenient, after the said article shall have been reached in its regular order.

Hon. D. F. Kenner, President of the Convention, appeared and took his seat.

Mr. Smart, having voted in the majority on the adoption of article 13 of the Constitution, moved for a reconsideration of the same, and called for the yeas and nays on his motion, which resulted as follows:

Messrs. Beard, Bullard, Davidson, Delony, Dosson, Farmer, Harris, Hargis, Hough, Hodges, Jourdan, McMillen, Moss, Parham, Pierson, Pujo, Roysden, Sandidge, Smart, Scarborough, Shelton, Smith of Winn, Sibley, Taliafero, Todd, Waddill and Whittington—27 yeas; and

Messrs. Anderson of St. Landry, Anderson of Carroll, Akenhead, Avery, Andrews, Addison, Bradford, Bartlett, Bernard, Beale, Bienvenu, Boudousquie, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Dalferes, DeClouet, Dorsey, Douglass, Dufour, Edwards, Edwards, Eustis, Gardcre, Guion, Hatch, Hayes, Herron, Hernandez, Hunt, Isaacks, Jennings, Jones, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Point Coupee, Marrero, Martin, Monge, Nicholls, Olivier of St. Martin, Palfrey, Paxton, Picree, Phillips, Richardson, Richardson, Reeves, Roselius, Ronquillo, Robinson, Staes, St. Paul, Swazey, Shaw, Simms, Stewart, Tatman, Talbot, Thibodaux, Thompson, Villere and Williams—76 nays.

Consequently the motion was lost.



Mr. Lobdell offered the following resolution, which was laid over, under the rules :

Resolved, That a Committee on Public Lands be appointed, to consist of — members.

Mr. Sandidge offered the following articles, which being read were, on motion, referred to the Committee on General Provision, to wit :

Art. —. The General Assembly shall never emancipate a slave, save only on account of some eminent public service rendered the State, and being so freed, may reside in the State at pleasure.

Art. —. The emancipation of a slave in this State, except as in the preceding article, is positively prohibited, unless the slave when freed is, within six months time, sent out of the United States, and returning to this State, such freedom shall be forfeited and the slave become the property of the State.

Art. —. No free person of color from any part of the world shall be allowed to enter into and reside in this State, without a forfeiture of their freedom to the State. The General Assembly shall pass laws declaring what will constitute a residence.

On motion of Mr. Deelouet, one hundred and fifty copies were ordered to be printed.

Mr. Lyle offered the following articles, which having been read were, on motion, referred to the Committee on General Provisions :

Art. —. No free colored person shall acquire real estate either by inheritance or purchase.

Art. —. No person shall emancipate a slave without making provision for the immediate removal of said slave from the State.

Mr. Dalferes moved that article 39 be made the order of the day for Wednesday, the 14th inst., which motion was lost.

Mr. Guion offered the following resolution, and moved for its reference to the Committee on General Provisions.

Resolved, That the Committee on General Provisions, be instructed to inquire into the necessity and propriety of adopting an article prohibiting the introduction of slaves into this State as merchandize.

Mr. Steward moved to lay the above resolution upon the table, which was carried.

Mr. Moss offered the following resolution, which was read, and on motion was laid on the table, subject to the call of the Convention.

Resolved, That a Committee on Style be appointed, composed of — members, whose duty it shall be to examine and correct, if necessary, the language of the articles adopted by this Convention.

Mr. Delony offered the following to be numbered —.

Art. —. The Governor may appoint as an Executive Council, three citizens of the State as his advisers, provided, that no additional expense to the State shall incur from said appointment.

On motion, the article was laid upon the table.

#### ORDER OF THE DAY.

The Convention then proceeded to take into consideration the following title of the Constitution, to wit :

#### TITLE III.

##### EXECUTIVE DEPARTMENT.

Art. 38. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years; and, together with

the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified voters for Representatives shall vote for a Governor and Lieutenant Governor, at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly then next to be holden. The members of the General Assembly shall meet in the House of Representatives to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected; but if two or more persons shall be equal, and highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by a joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor, shall be Lieutenant Governor; but if two or more persons shall be equal, and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

Mr. King, of Jackson, moved to strike out in the above article the following words: "four years," and to insert "two years," in lieu thereof.

Mr. King, of St. Landry, called for a division of the question, which was lost.

On motion, the 38th article was adopted without amendment.

The 39th article being then taken up and read as follows:

Art. 39. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have attained the age of thirty-five years, been fifteen years a citizen of the United States, and a resident within the State for the same space of time next preceding his election.

Mr. Waddill offered the following substitute:

Art. 39. Every qualified elector of the State shall be eligible to the office of Governor or Lieut. Governor.

On motion to lay the substitute upon the table the yeas and nays were called, and resulted as follows:

Messrs. Anderson, Anderson, Akenhead, Avery, Andrews, Bartlett, Bernard, Boudousquie, Bullard, Buisson, Castellanos, Campbell, Connely, Conrad, Deelouet, Edwards, Edwards, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Jennings, Jones, King, King, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Martin, Monge, Palfrey, Pierce, Richardson of Ouachita, Sandidge, St Paul, Staes, Swazey, Sibley, Tatman, Thompson, and Williams—47 yeas; and

Messrs. Bradford, Beale, Beard, Bienvenu, Byrne, Carter, Cotton, Davidson, Dalferes, Delony, Dorsey, Dosson, Douglass, Dufour, Duffel, Eustis, Hatch, Herron, Hebert, Hodges, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews of P C, Marrero, Moss, Nicholls, Olivier of St Martin, Parham, Paxton, Pierson, Pujo, Pugh, Reeves, Richardson of St Mary, Roselius, Roysden, Ronquillo, Robinson, Smart, Shaw, Searborough, Shelton, Smith of Winn, Summers, Stewart, Talbot, Taliafero, Thibodaux, Todd, Villere, Waddell, and Whittington—57 nays.

Consequently the motion to lay the substitute on the table was lost.

Mr. Jennings then offered the following amendment:

Every citizen of the United States shall be eligible to the office of Governor or Lieutenant Governor who shall



have attained the age of thirty years and been a resident of the State for five years.

Mr. Eustis moved to lay the amendment upon the table.

On said motion Mr. Cotton called for the yeas and nays, which resulted as follows :

Messrs. Bradford, Beale, Bienvenu, Boudousquie, Boyer, Bullard, Byrne, Carter, Campbell, Cotton, Dalferes, Delony, Dosson, Dufour, Duffel, Edwards of Orleans, Eustis, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillan, Mathews of P. C., Moss, Nicholls, Olivier of St. Martin, Parham, Paxton, Patterson, Pierson, Phillips, Pujo, Pugh, Reeves, Richardson of St. Mary, Roysden, Ronquillo, Smart, Scarborough, Shelton, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Villere, Waddill and Whittington—53 yeas.

And Messrs. Anderson, Anderson, Akenhead, Addison, Bartlett, Bernard, Beard, Buisson, Castellanos, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards of Washington, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, King, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Marrero, Martin, Monge, Palfrey, Pierce, Richardson of Ouachita, Roselius, Robinson, Sandidge, St. Paul, Staes, Swazey, Shaw, Sibley, Tatman, Thompson, Todd and Williams—52 nays.

Consequently said motion prevailed, and the amendment was laid upon the table.

Mr. Bullard then offered the following amendment to the above substitute :

"Every qualified voter of the State shall be eligible to the office of Governor or Lieutenant Governor, who shall have attained the age of twenty-five years and has resided five years in the State."

Mr. Hargis moved to strike out in the amendment the words "twenty-five years," and to insert "twenty-seven years," which was lost.

Mr. Herron moved to lay the amendment on the table.

On said motion the yeas and nays were called for, and resulted as follows :

Messrs. Anderson of St. Landry, Addison, Bradford, Beale, Bienvenu, Boyer, Carter, Cotton, Dalferes, Delony, Dosson, Dufour, Duffel, Edwards of Orleans, Eustis, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillan, Mathews of P. C., Moss, Nicholls, Parham, Paxton, Pierson, Phillips, Pujo, Pugh, Richardson of St. Mary, Roysden, Ronquillo, St. Paul, Staes, Smart, Scarborough, Shelton, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Villere, Waddill, Whittington—50 yeas.

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Bartlett, Bernard, Beard, Bullard, Buisson, Byrne, Castellanos, Campbell, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards of Washington, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, King, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Marrero, Martin, Monge, Olivier of St. Martin, Palfrey, Patterson, Pierce, Reeves, Richardson of Ouachita, Roselius, Robinson, Sandidge, Swazey, Shaw, Sibley, Tatman, Thompson, Todd, Williams—56 nays; consequently the motion to lay on the table was lost.

Mr. Guion then moved to postpone the further consideration of said article until to-morrow morning, which motion was carried.

The Convention then took up for consideration Article 40 of the Constitution, which, on motion, was adopted without amendment.

The 41st article being taken up and read as follows :

Art. 41. The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected,

Mr. Richardson of St. Mary moved to strike out the whole article, which was lost.

Mr. Delony moved to strike out "four years," and insert in lieu thereof the word "term," which was lost.

On motion of Mr. Bullard the above section was adopted without amendment.

The Convention then took up for consideration article 42, which was read as follows :

Art. 42. No member of Congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of Governor or Lieutenant Governor.

Mr. St. Paul moved to strike out the following words in the above article : "or minister of any religious society," which motion prevailed.

Mr. Cotton then moved to strike out the whole article, which was lost, and on motion the article as amended was adopted.

The Convention then took up severally the following articles, which, on motion, were severally adopted without amendment, to wit : Articles 43, 44, 45 and 46.

On the 47th article being read as follows :

Art. 47. The Governor shall have power to grant reprieves for all offences against the State, and, except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons and remit fines and forfeitures after conviction. In cases of treason, he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

Mr. Palfrey offered the following proviso to be inserted after the word "conviction" :

Provided, That no bail shall be allowed during the pending of any application for pardon or reprieve."

Mr. Lyle moved to strike out the whole article.

Pending the consideration of said proposition,

On motion, the Convention adjourn until to-morrow at 9 o'clock A. M.

TUESDAY, July 13, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Gache opened the proceedings with prayer.

Present—Hon. D. F. Kenner, President of the Convention, in the Chair, and 104 delegates.

The President laid before the Convention the following communication from Mr. J. E. Layet, tendering his resignation as Secretary of the Convention :

STATE HOUSE, BATON ROUGE, July 13, 1852.

To the Hon. the President and Members of the Louisiana State Convention :

GENTLEMEN—Important business unexpectedly claiming my immediate attention, and requiring a protracted absence from the seat of Government, compels me to resign the office of Secretary of the Convention, to which you did me the honor so recently to elect me.

Sincerely thanking you for the honor which you have done me, and regretting the necessity which compels me to separate from you, I remain,

Very respectfully, your obd't serv't,

(Signed.)

JOHN E. LAYET.



On motion of Mr. Price, the resignation was accepted, and on a further motion, Mr. J. B. Walton was nominated as a candidate.

On motion of Mr. Herron, Mr. Walton was declared unanimously elected Secretary of this Convention.

Mr. King of St. Landry asked leave of absence for Mr. Anderson of St. Landry, which was granted.

Mr. Tatman offered the following resolution :

Resolved, That the pay of the Post-master of this Convention be increased in such manner as to make it equal to that received by the Recording Clerks, and that this increase shall date from the day of his appointment.

Mr. Hargis offered the following as a substitute to the above resolution :

Resolved, That the Post-master appointed by this Convention have an additional compensation of two dollars per diem for his services.

Mr. Beale moved to lay the substitute upon the table, which was carried.

The original proposition being then before the Convention, on motion, it was adopted.

Mr. Castellanos offered the following resolutions, which, on motion of Mr. Connelly, were laid on the table :

Resolved, That in addition to the regular Translators of the Convention, a Special Translator be elected, whose duty it shall be to translate into French the debates of the Convention.

Resolved, That said Translation shall be made under the supervision and immediate care of the Reporter.

Resolved, That the compensation of said Translator shall be the same as that awarded by this Convention to the regular Translators.

Mr. Avery offered the following resolution :

Resolved, That the Committee on General Provisions be instructed to inquire into the expediency of providing for a system of Internal Improvements and Public Works, and report thereon.

Mr. Herron moved to lay the above resolution upon the table. On the votes being taken, it appeared that forty-two delegates voted in the affirmative, and forty-two in the negative. There being a tie, and the President voting nay, the motion was lost.

Mr. Bullard called up a resolution offered by him on the 9th instant, and laid on the table subject to call, in order to take it up as a substitute to the above resolution.

Mr. Simms then offered the following substitute, which was accepted by Mr. Bullard, and which read as follows :

Resolved, That a committee be appointed by the Chair, of — members, whose duty it shall be to inquire into the expediency of making some constitutional provision in reference to the liberal donation of Congress, of the overflowed lands within the limits of the State of Louisiana; and report to this Convention as soon as practicable.

Mr. Conrad moved to refer the whole matter to the Committee on General Provisions, which motion was carried.

Mr. Carter offered the following resolution, which having been read was, on motion, referred to the Committee on Amendments to the Constitution.

Resolved, That whenever two-thirds of each branch of the Legislature, shall deem any change, alteration or amendment, necessary to this Constitution, such proposed change, alteration or amendment, shall be read, and passed by a majority of two-thirds of each house respectively, on each day for three several days: public notice thereof, shall then be given by the Secretary of State, by publishing the same at least three months in French and Eng-

lish, in a newspaper published in each Parish in the State, in which a newspaper shall be published, at which the qualified electors shall vote directly for or against such change, alteration or amendment, and if it shall appear that a majority of the qualified electors voting for members of the Legislature, shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding Legislature, as a part of this Constitution, and not otherwise.

Mr. Cotton offered the following resolution :

Resolved, That the Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

The same delegate moved to refer the above resolution, with articles 122, 123, 124 and 125, to the Committee on General Provisions, which motion was lost.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention took up article 47, which was under consideration on yesterday when the Convention adjourned.

Mr. Palfrey having withdrawn his *provisô* offered on yesterday to said article,

Mr. Richardson of St. Mary moved to amend article 47, by inserting after the words "with the consent of," the following words "two-thirds of the members present."

Mr. St. Paul offered the following substitute to the above article :

Art. 47. The power of granting pardons and reprieves, and of remitting fines and forfeitures, shall be vested in the Governor, assisted by a council, composed of the Attorney General, Treasurer and Auditor of the State, which council shall be styled the Committee on Pardons. And no pardon, reprieve or remission of fine or forfeiture, shall be final, unless approved of by a majority of said committee and ratified by the Senate.

On motion of Mr. Herron, the above substitute was laid on the table.

Mr. Lapeyre moved to refer the article to the Committee on Executive Department, which was lost.

The question then being on the amendment of Mr. Richardson of St. Mary, Mr. Richardson of Ouachita moved to lay the same on the table, which motion prevailed.

On motion of Mr. Smart, the above article was adopted without amendment.

The Convention proceeded to take into consideration article 39, of the Constitution, which was made the order of the day for to-day, with the substitute, amendment and sub-amendment then under discussion.

Mr. Connelly called for the previous question, which motion prevailed.

The question then being on the sub-amendment offered by Mr. Jennings, which read as follows :

No citizen shall be eligible to the office of Governor, who shall not have attained the age of thirty years, and been a resident of the State six years next preceeding his election.

On motion to adopt the same, the yeas and nays were called and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Bartlett, Bernard, Beard, Buisson, Castellanos, Campbell, Collens, Connelly, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards of Washington, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, King of Jackson,



Lapeyre, Lecfe, Lobdell, Lyle, McIlhenny, Mathews of Point Coupee, Moss, Parham, Paxton, Pierson, Phillips, Orleans, Martin, Monge, Palfrey, Pierce, Richardson of Ouachita, Roselius, Staes, Swazey, Shaw, Sibley, Tatman, Thompson, Williams and Wilcoxon—51 yeas.

And Messrs. Addison, Besancon, Bradford, Beale, Bienvenu, Brother, Boyer, Bullard, Byrne, Carter, Cotton, Dalferes, Delony, Dosson, Dufour, Duffel, Edwards of Orleans, Eggleston, Eustis, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews of Point Coupee, Marrero, Moss, Nicholls, Olivier of St. Martin, Parham, Paxton, Patterson, Price, Pierson, Phillips, Pujo, Pugh, Reeves, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Todd, Van Wickle, Villere and Waddill—63 nays.

Consequently the motion was lost, and the sub-amendment was laid upon the table.

The proposition of Mr. Bullard being then before the Convention, and read as follows, to-wit :

“Every qualified voter of the State shall be eligible to the office of Governor or Lieutenant Governor who shall have attained the age of twenty-five years and has resided five years in the State.”

On motion to adopt the same, the yeas and nays were called and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Bartlett, Bernard, Beard, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Deelouet, Dorsey, Douglass, Edwards of Washington, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, King of Jackson, Lapeyre, Lecfe, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Olivier of St. Martin, Palfrey, Patterson, Price, Pierce, Reeves, Richardson of Ouachita, Roselius, St. Paul, Sandidge, Swazey, Shaw, Sibley, Tatman, Thompson, Williams and Wilcoxon—58 yeas.

And Messrs. Addison, Bradford, Besaneon, Beale, Bienvenu, Brother, Boyer, Carter, Cotton, Dalferes, Davidson, Delony, Dosson, Dufour, Duffel, Edwards of Orleans, Eggleston, Eustis, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews of Point Coupee, Moss, Nicholls, Parham, Paxton, Pierson, Phillips, Pujo, Pugh, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Staes, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Todd, VanWickle, Villere, Waddill and Whittington—57 nays.

And the President having voted in the negative, declared the motion to adopt Mr. Bullard's amendment lost.

Mr. Davidson having voted in the majority on the motion of Mr. Connely, on a call for the previous question, moved for a reconsideration of the same, which motion was lost.

The substitute of Mr. Waddill being then in order, and read as follows, to wit :

“Every qualified elector of the State shall be eligible to the office of Governor or Lieut.-Governor.”

Mr. Simms moved for the adoption of the substitute, on which motion the yeas and nays were called, and resulted as follows :

Messrs. Andrews, Addison, Bradford, Besancon, Beale, Bienvenu, Brother, Boudousquie, Boyer, Carter, Cotton, Dalferes, Delony, Dosson, Dufour, Duffel, Edwards of Orleans, Eustis, Gardere, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews of

Pujo, Pugh, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, St. Paul, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Todd, VanWickle, Villere, Waddill and Whittington—57 yeas.

And Messrs. Akenhead, Avery, Anderson of Carroll, Bartlett, Bernard, Beard, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Deelouet, Dorsey, Douglass, Edwards of Washington, Eggleston, Farmer, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, King of Jackson, Lecfe, Lapeyre, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Nicholls, Olivier of St. Martin, Palfrey, Patterson, Price, Pearee, Reeves, Richardson of Ouachita, Roselius, Sandidge, Staes, Swazey, Shaw, Sibley, Tatman, Thompson, Williams and Wilcoxon—59 nays.

Consequently the motion was lost, and the substitute was laid upon the table.

Mr. Carter then offered the following substitute to article thirty-nine :

Every qualified elector shall be eligible to the office of Governor or Lieutenant Governor, who shall have residence in the State of five years next preceding his election.

Mr. Richardson, of Ouachita, offered the following as an amendment :

Any qualified elector, who has attained the age of thirty years, shall be eligible to the office of Governor or Lieutenant Governor.

Mr. Richardson, of St. Mary, moved to lay the amendment upon the table. On said motion, the yeas and nays were called, and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Addison, Bradford, Bartlett, Besaneon, Beale, Bienvenu, Brother, Boyer, Byrne, Carter, Collens, Cotton, Dalferes, Delony, Deelouet, Dosson, Dufour, Duffel, Edwards of Orleans, Eustis, Farmer, Gardere, Hatch, Hayes, Herron, Hebert, Hernandez, Hunt, Jourdan, King of St. Landry, Lecfe, Leeds, LeBlanc, McMillen, Mathews of Point Coupee, Marrero, Martin, Moss, Monge, Nicholls, Olivier of St. Martin, Parham, Palfrey, Paxton, Price, Pujo, Phillips, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Smart, Swazey, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Tatman, Talbot, Taliafero, Thibodaux, Thompson, Todd, Van Wickle, Villere, Waddill, Whittington, Wilcoxon—78 yeas.

And Messrs. Bernard, Beard, Boudousquie, Buisson, Castellanos, Campbell, Connely, Conrad, Davidson, Dorsey, Douglass, Edwards, Eggleston, Guion, Harris, Hargis, Hough, Hodges, Jennings, Jones, King of Jackson, Lapeyre, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Pierce, Pierson, Reeves, Richardson of Ouachita, Roselius, Shaw, Sibley, Williams—34 nays.

Consequently the motion prevailed and the amendment was laid on the table.

Mr. Guion then offered the following as an amendment to the substitute :

Article 37. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of twenty-eight years and been a citizen and a resident within the State for the space of four years next preceding his election.

Mr. Carter moved to lay the amendment on the table.

On said motion Mr. Guion called for the yeas and nays, which resulted as follows :



Messrs. Addison, Bradford, Besancon, Beale, Bienvenu, Brother, Boyer, Byrne, Carter, Cotton, Delony, Dosson, Dufour, Duffel, Edwards of Orleans, Eustis, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews of Point Coupee, Moss, Nicholls, Olivier of St Martin, Parham, Paxton, Patterson, Phillips, Pujo, Pugh, Richardson of St Mary, Roysden, Ronquillo, Robinson, Sandidge, Staes, Smart, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Todd, Van Wickle, Villere, Waddill, and Whittington—55 years.

And Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Bartlett, Bernard, Beard, Boudousquie, Bullard, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Deelouet, Dorsey, Douglass, Edwards of Washington, Eggleston, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St Landry, King of Jackson, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Palfrey, Price, Pierce, Reeves, Richardson of Ouachita, Roselius, Swazey, Shaw, Sibley, Tatman, Thompson, Williams and Wileoxon—56 nays.

Consequently the motion to lay upon the table was lost.

On motion to adopt the amendment, Mr. Bienvenu called for the yeas and nays, which resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Bartlett, Bernard, Beard, Boudousquie, Bullard, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Deelouet, Dorsey, Douglass, Edwards of Washington, Eggleston, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Palfrey, Price, Pierce, Pierson, Reeves, Richardson of Ouachita, Roselius, Sandidge, Swazey, Shaw, Sibley, Tatman, Thompson, Williams and Wileoxon—56 yeas.

And Messrs. Addison, Bradford, Besancon, Bienvenu, Brother, Boyer, Byrne, Carter, Cotton, Dalferes, Delony, Dosson, Dufour, Duffel, Edwards of Orleans, Eustis, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews of Point Coupee, Moss, Nicholls, Olivier of St. Martin, Parham, Paxton, Patterson, Phillips, Pujo, Pugh, Richardson of St. Mary, Risk, Roysden, Ronquillo, Staes, Smart, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Todd, Van Wickle, Villere, Waddill and Whittington—54 nays.

Consequently the motion prevailed and the amendment was adopted.

Mr. Herron moved to strike out in the amendment the words "twenty-eight."

Mr. Hayes moved to lay the amendment on the table, which was carried.

Mr. Guion then moved to adopt the substitute, as amended.

Pending the consideration of said motion,

Mr. Delony offered the following amendment, which, on motion, was laid upon the table :

No person shall be eligible to the office of Governor who has not attained the residence of five years and is not a qualified elector of this State, and no person shall be eligible to the office of Lieutenant Governor who is not a qualified elector of this State.

The motion being on the adoption of the substitute of Mr. Carter, as amended by Mr. Guion,

Mr. Herron moved for an adjournment, which motion was lost.

The question then being on the adoption of the substitute as amended, the yeas and nays were called for, and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Bartlett, Bernard, Beard, Boudousquie, Bullard, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Deelouet, Dorsey, Douglass, Edwards of Washington, Eggleston, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, King of Jackson, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Mathews, Marrero, Martin, Monge, Palfrey, Price, Pierce, Pierson, Reeves, Richards of Ouachita, Roselius, Sandidge, St. Paul, Staes, Swazey, Shaw, Sibley, Tatman, Thompson, Williams and Wileoxon—60 yeas ; and

Messrs. Addison, Bradford, Besancon, Beale, Bienvenu, Brother, Boyer, Byrne, Carter, Cotton, Dalferes, Delony, Dufour, Duffel, Eustis, Hatch, Herron, Hebert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews of Point Coupee, Moss, Nicholls, Olivier of St. Martin, Parham, Paxton, Patterson, Phillips, Pujo, Pugh, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Thibodaux, Todd, Van Wickle, Villere, Waddill and Whittington—54 nays.

Consequently the motion prevailed, and the substitute as amended was adopted.

The Convention then took up the following articles, which were read, and on motion severally adopted :

Article 48. The Governor shall at stated times receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

Art. 49. He shall be Commander-in-Chief of the army and navy of this State, and of the militia thereof, except when they shall be called into the service of the United States.

The 50th article being next in order, and read as follows, to-wit :

Article 50. He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, and whose appointment is not therein otherwise provided for ; *Provided*, however, that the Legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

Mr. Sandidge offered the following substitute :

He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose election or appointment may not be otherwise provided for in this Constitution, or by the General Assembly.

On motion the substitute was laid upon the table, and on a further motion, the article was adopted without amendment.

The Convention next proceeded to take into consideration the following articles of the Constitution, which, on being read, were, on motion, severally adopted :

Article 51. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this Constitution ; but no person who has been nominated for office, and rejected by the Senate, shall be appointed to the same office during the recess of the Senate.



Art. 52. He may require information in writing from the officers in the Executive Department, upon any subject relating to the duties of their respective offices.

Art. 53. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

Art. 54. He may, on extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place, if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

Art. 55. He shall take care that the laws be faithfully executed.

On the 56th article being read, as follows:

Art. 56. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it, if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that House, it shall be a law; but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted,) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next session.

Mr. Sandidge moved to insert after the words "every bill," in the first line, the following words:

Order, resolution or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, or revision, or amendment of the Constitution.

Mr. Beale moved to lay the above amendment on the table, which motion prevailed.

Mr. Castellanos moved to strike out in the article the word "ten," and insert in lieu thereof the word "five."

Mr. Connely moved to strike out "two-thirds," and to insert in lieu thereof the word "majority."

On motion, both amendments were laid on the table, and on a further motion, the fifty-sixth article was adopted without amendment.

The Convention next proceeded to take into consideration the following articles, which, on being severally read, were, on motions, severally adopted, to wit:

Article 57. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of the members elected to each House of the General Assembly.

Art. 58. There shall be a Secretary of State who shall hold his office during the time for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he

shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them. He shall when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

Art. 59. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, and signed by the Governor.

Art. 60. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal services.

Art. 61. The militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the Legislature.

On motion, the Convention adjourned until to-morrow at 9 o'clock A. M.

WEDNESDAY, July 14, 1852

The Convention met pursuant to adjournment.

The Rev. Mr. Harmond opened the proceedings with prayer.

Present, Hon. D. F. Kenner, President of the Convention, in the chair, and 95 Delegates.

Mr. Conrad offered the following resolution, which on motion was adopted:

Resolved, That the use of the Rotunda of the State House, and such of the Committee Rooms as may not be occupied, be granted, on Wednesday evening next, to the ladies of the Episcopal Church of this town, for the purpose of giving an entertainment for the benefit of their Church.

Mr. Farmer moved to take up for consideration the report of the committee to whom was referred the compensation of officers of the Convention, presented on the 10th inst., and which was made the order of the day for last Monday, which motion prevailed.

The Report being then before the Convention, Mr. Sandidge offered the following as a substitute:

Resolved, That the Printer elect of the Convention be required to execute whatever work may be ordered, in the manner prescribed by law of 1847, on the subject of public printing, and that his compensation shall be the same as allowed by said act, with the addition thereto of 25 per cent. higher rates.

Mr. Risk moved to lay the substitute on the table, and called for the yeas and nays on his motion, which resulted as follows:

Messrs. Akenhead, Avery, Anderson of Carroll, Armant, Bradford, Bartlett, Besaneon, Bernard, Beard, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Conrad, Davidson, Delony, Declouet, Dorsey, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hays, Herron, Hebert, Hernandez, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Moss, Monge, Nicholls, Olivier of St. Mary, Parham, Palfrey, Pattersen, Preaux, Price, Pierson



Phillips, Pujo, Reeves, Richardson of St. Mary, Rixner, Roselius, Roman, Roysden, Ronquillo, Robinson, Staes, Swazey, Shaw, Scarborough, Smith of Winn, Smith of W. Feliciana, Sibley, Tatman, Talbot, Thibodaux, Thompson, Todd, VanWickle, Villere, Williams and Whittington—93 yeas.

And Messrs. Cotton, Dalferes, Dosson, Harris, Hargis, Hough, King of Jackson, LeBlanc, McMillen, Mathews of Point Coupee, Pierce, Pugh, Richardson of Ouachita, Sandidge, Shelton, Stewart, Taliafero and Waddill—18 nays.

Consequently the motion prevailed, and the substitute was laid upon the table; and, on motion of Mr. Hays, the report prevailed.

Mr. Herron asked leave of absence for Mr. Beale, on account of sickness, which was granted.

Mr. Parham moved to take up article 8 of the Constitution, which was made the special order of the day for Thursday, and to refer the same to the Committee on the Legislative Department, with instructions to report on to-morrow, which motion prevailed.

#### TITLE IV.

##### JUDICIARY DEPARTMENT.

Article 62. The judicial power shall be vested in a supreme court, in district courts, and in justices of the peace.

Art. 63. The supreme court, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars, and to all cases in which the constitutionality or legality of any tax, roll or impost of any kind or nature soever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeiture, and penalties imposed by municipal corporations, and in criminal cases on questions of law alone, whenever the punishment of death or hard labor may be inflicted, or when a fine exceeding three hundred dollars is actually imposed.

Art. 64. The supreme court shall be composed of one chief justice, and of three associate justices, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of six thousand dollars, and each of the associate judges a salary of five thousand five hundred dollars annually. The court shall appoint its own clerks. The judges shall be appointed for the term of eight years.

Art. 65. When the first appointments are made under this Constitution, the chief justice shall be appointed for eight years, one of the associate judges for six years, one for four years, and one for two years; and in the event of the death, resignation, or removal of any of said judges before the expiration of the period for which he was appointed, his successor shall be appointed only for the remainder of this term; so that the term of service of no two of said judges shall expire at the same time.

Art. 66. The supreme court shall hold its sessions in New Orleans from the first Monday of the month of November, to the end of the month of June inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

Art. 67. The supreme court and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

Art. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinions in writing.

Art. 69. All judges by virtue of their office shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name, and by the authority of the State of Louisiana, and conclude against the peace and dignity of the same.

Art. 70. The judges of all courts within this State shall as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

Art. 71. No Court or Judge shall make any allowance by way of fee or compensation in any suit or proceedings except for the payment of such fees to ministerial officers as may be established by law.

Art. 72. No duties or functions shall ever be attached by law to the Supreme or District Courts, or to the several Judges thereof, but such as are judicial; and the said Judges are prohibited from receiving any fees of office or other compensation than their salaries for any civil duties performed by them.

Art. 73. The Judges of all Courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three-fourths of the members present of each House of the General Assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each House.

Art. 74. There shall be an Attorney General for the State, and as many District Attorneys as may be hereafter found necessary. They shall hold their office for two years; their duties shall be determined by law.

Art. 75. The first Legislature assembled under this Constitution shall divide the State into Judicial Districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year thereafter.

The number of Districts shall not be less than twelve nor more than twenty.

For each District, one Judge, learned in the law, shall be appointed, except in the Districts in which the cities of New Orleans and Lafayette are situated, in which the Legislature may establish as many District Courts as the public interest may require.

Art. 76. Each of the said Judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually. He must be a citizen of the United States, over the age of thirty years, and have resided in the State for six years next preceding his appointment, and have practiced law therein for the space of five years.

Art. 77. The Judges of the District Courts shall hold their offices for the term of six years. The Judges first appointed shall be divided by lot into three classes, as nearly equal as can be, and the term of office of the Judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

Art. 78. The District Courts shall have original jurisdiction in all civil cases, when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases,



and in all matters connected with succession, their jurisdiction shall be unlimited.

Art. 79. The Legislature shall have power to vest in Clerks of Courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

Art. 80. The Clerks of the several Courts shall be removeable for breach of good behavior by the Judges thereof; subject, in all cases, to an appeal to the Supreme Court.

Art. 81. The jurisdiction of Justices of the Peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to appeal to the District Court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

Art. 82. Clerks of the District Courts in this State shall be elected by the qualified electors in each parish, for the term of four years; and should a vacancy occur subsequent to an election, it shall be filled by the Judge of the Court in which such vacancy exists, and [the person so appointed shall hold his office until the next general election.

Art. 83. A Sheriff and a Coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the Governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

Mr. Hunt, on the part of the Committee on the Judiciary Department, submitted the following report, and proposed it as a substitute for the above articles, composing Title 4 of the Constitution:

The Committee on the Judiciary, to whom was referred the 4th Title of the Constitution of the State, and a resolution instructing them to report on the propriety of amending certain Articles in the Title, respectfully report:

That they have had the same under consideration, and unanimously recommend the adoption of the following Title and Articles, as a substitute for the Title and Articles of the Judiciary Department in the Constitution.

(Signed) R. HUNT, Chairman.

#### TITLE IV.

##### JUDICIARY DEPARTMENT.

Article 62. The judicial power shall be vested in a Supreme Court, in such inferior courts as the Legislature may, from time to time, order and establish, and in Justices of the Peace.

Art. 63. The Supreme Court, except in the cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars; to all cases in which the constitutionality or legality of any tax, toll or impost whatsoever, or of any fine, forfeiture or penalty imposed by a municipal corporation, shall be in contestation; and to all criminal cases on questions of law alone, whenever the offence charged is punishable with death or imprisonment at hard labor, or when a fine exceeding three hundred dollars is actually imposed. The Legislature shall have power to restrict the jurisdiction of the Supreme Court in civil cases to questions of law only.

Art. 64. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of six thousand dollars, and each of the Associate Judges a salary of five thousand five hundred dollars, annually, until otherwise provided by law. The Court shall appoint its own Clerks; the Judges shall be elected for the term of ten years.

Art. 65. The Chief Justice shall be elected by the qualified electors of the State. The Legislature shall divide the State into four Districts, and the qualified electors of each district shall elect one of the Associate Justices. The State be divided into the following Districts, until the Legislature shall otherwise direct: First District, Second District, Third District, Fourth District.

Art. 66. The office of one of the Associate Justices shall be vacated at the expiration of the second year, of another at the expiration of the fourth year, of a third at the expiration of the sixth year, and of the fourth at the expiration of the eighth year—so that one of the Judges of the Supreme Court shall be elected every second year.

Art. 67. The Secretary of State, on receiving the official returns of the first election, shall proceed immediately, in the presence and with the assistance of two Justices of the Peace, to determine by lot among the four candidates having the highest number of votes in the respective Districts, which of the Associate Justices elect shall serve for the term of two years, which shall serve for the term of four years, which for the term of six years, and which for the term of eight years; and the Governor shall issue commissions accordingly.

Art. 68. Any vacancy that may occur in the Supreme Court, from resignation or otherwise, shall be filled by election. *Provided*, That if the unexpired term do not exceed one year, the vacancy shall be filled by executive appointment.

Art. 69. The Supreme Court shall hold its sessions in New Orleans, from the first Monday of the month of November to the end of the month of June, inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

Art. 70. The Supreme Court, and each of the Judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

Art. 71. No judgment shall be rendered by the Supreme Court without the concurrence of a majority of the Judges composing the Court. Whenever a majority can not agree, in consequence of the recusation of any member or members of the Court, the Judges not recused shall have power to call upon any Judge or Judges of the inferior courts, whose duty it shall be, when so called upon, to sit in the place of the Judges recused, and to aid in determining the case.

Art. 72. All Judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude against the peace and dignity of the same.

Art. 73. The Judges of all Courts within this State shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of



which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

Art. 74. The Judges of all Courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three-fourths of the members present of each House of the General Assembly. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address, and inserted in the journal of each House.

Art. 75. There shall be an Attorney General for the State, and as many District Attorneys as may be hereafter found necessary. They shall hold their offices for four years; their duties shall be determined by law.

Art. 76. The Judges, both of the Supreme and inferior courts, shall at stated times receive a salary, which shall not be diminished during their continuance in office; and they are prohibited from receiving any fees of office, or other compensation than their salaries, for any civil duties performed by them.

Art. 77. The Legislature shall have power to vest in Clerks of Courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

Art. 78. The clerks of the several Courts shall be removable for breach of good behavior, by the Judges thereof, subject in all cases to an appeal to the Supreme Court.

Art. 79. The jurisdiction of the Justices of the Peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interests, subject to appeal to the inferior Court, in such cases as shall be provided for by law. They shall be elected by the qualified voters of each parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided by law.

Art. 80. Clerks of the inferior Courts in this State shall be elected by the qualified electors in each parish, for the term of four years; and should a vacancy occur subsequent to an election, it shall be filled by the Judge of the Court in which such vacancy exists, and the person appointed shall hold his office until the next general election.

Art. 81. A Sheriff and a Coroner shall be elected in each parish, by the qualified voters thereof, who shall hold their office for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the Governor, and the person so appointed shall continue in office until his successor shall be elected and qualified.

On motion of Mr. Hunt, the report was made the special order of the day for Tuesday the 20th inst., and

On motion of Mr. Cotton, 300 copies were ordered to be printed for the use of the Convention.

The Convention then took up for consideration Title V. of the Constitution, which reads as follows, to-wit:

#### TITLE V.

##### IMPEACHMENT.

Article 84. The power of impeachment shall be vested in the House of Representatives.

On motion the above article was adopted without amendment.

The 85th article was then taken up and read as follows, to-wit:

Article 85. Impeachments of the Governor, Lieutenant

Governor, Attorney General, Secretary of State, State Treasurer, and of the Judges of the District Courts, shall be tried by the Senate; the Chief Justice of the Supreme Court, or the Senior Judge thereof, shall preside during the trial of such impeachment. Impeachments of the Judges of the Supreme Court shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Mr. Herron moved to strike out the words "Judges of District Courts" in the above article, and to insert in lieu thereof the words "Judges of Inferior Courts, Justices of the Peace excepted," which motion was adopted.

Mr. Benjamin moved to strike out at the end of the article the word "present," and insert "elected," which was lost.

Mr. Herron then moved to strike out "of such," and to insert the following words in lieu thereof: "shall preside in any impeachment of the Governor."

Mr. King, of St. Landry, moved to lay the amendment on the table, which was carried.

Mr. Besancon moved to insert after the word "Treasurer" the word "Auditor."

Mr. Richardson, of Ouachita, moved to lay the amendment on the table, which motion prevailed.

On motion. Article 85, as amended, was then adopted.

The following articles were then severally taken up, and on motion were severally adopted:

Article 86. Judgments in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment according to law.

Art. 87. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of said impeachment. The appointing power may make a provisional appointment to replace any suspended officer, until the decision on the impeachment.

Art. 88. The Legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by indictment or otherwise.

The title six of the Constitution was then taken up and read as follows:

#### TITLE VI.

##### GENERAL PROVISIONS.

Article 89. Members of the General Assembly, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation:

"I (A. B.) do solemnly swear (or affirm.) that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States, and of this State; and I do further solemnly swear (or affirm.) that, since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending, so help me God."



Mr. Preaux offered the following substitute to the above article :

Article 89. Members of the General Assembly, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation :

I (A. B.) do solemnly swear (or affirm.) that I will faithfully and impartially discharge and perform all the duties incumbent on me as — according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States and of this State, and that I will support the Constitution of the United States ; and I do further solemnly swear (or affirm.) that, since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, or out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. I do further swear, that I have never knowingly provoked any fellow-citizen to send me a challenge, by striking him, or by insulting gravely him or his mother, sister, wife or child, nor by any other act calculated to produce a duel so help me God.

Mr. Hayes moved to postpone the further consideration of the article and the substitute until article 130 of the Constitution is taken into consideration, in order to take up both articles at the same time, which motion prevailed.

The following article being in order, and read as follows, was, on motion, adopted :

Article 90. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

The next article in order being read as follows, was, on motion, adopted :

Article 91. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Mr. Carter having voted in the majority on the adoption of article 87, moved for a reconsideration of the same, which was lost.

Mr. Tatman having voted in the majority on the motion to adopt article 91, moved for a reconsideration of the same, which was granted.

The 91st article being then before the Convention, Mr. Tatman offered the following substitute for the article :

Every person shall be disqualified from holding any office of trust or profit in the State, who shall have been convicted of having given or offered a bribe to procure his election or appointment, and every person shall be disqualified from holding any office in this State for the term for which he was elected, who shall have resorted to threats, treating, or who shall have visited the house of any elector for the purpose of obtaining his vote, or who shall have asked any elector personally to vote for him, or who shall have used any undue and unlawful means, either directly or indirectly, by himself or the agency of others, for the purpose of procuring his election.

Mr. Stewart moved to lay the substitute on the table, which motion prevailed.

Mr. Hatch moved to insert at the end of the article the following words : "After the adoption of the present Constitution."

Mr. Dufour moved to lay the amendment upon the table, which motion prevailed ; and, on motion, the article was readopted without amendment.

The Convention then took up the following article, which reads as follows, to wit :

Article 92. Laws shall be made to exclude from office and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon, from power, bribery, tumult or other improper practice.

Mr. Hayes offered the following as a substitute for the same :

Article 92. No one shall be eligible to any office or shall be entitled to the right of suffrage who shall hereafter be convicted of any crime or offence punishable capitally or by imprisonment at hard labor.

Mr. Phillips moved to amend the substitute by inserting at the end thereof the following words :

"For a period of five years or more,"

Which motion was lost.

Mr. Phillips then offered the following proviso to be inserted at the end of the substitute :

"Provided that a pardon shall restore competency."

Mr. Dufour moved to lay both the substitute and proviso on the table, which motion prevailed.

The original article being then before the Convention, Mr. Waddill offered the following proviso to be inserted at the end of the first paragraph :

"Provided the Legislature shall have power to reinstate any person so convicted, to his political rights."

Mr. Phillips then offered the proviso previously offered by him to the substitute of Mr. Hayes as an amendment to the above article.

On motion of Mr. Olivier, the proviso was laid on the table, and, on motion, the article was adopted without amendment.

Article 93d being then in order was read as follows, to wit :

Article 93. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

Mr. Connely moved to strike out the following words : "Nor shall any appropriation of money be made for a longer term than two years," which motion was lost.

Mr. Delony moved to insert after the words "two years" the following words : "Until all the liabilities of the State shall have been discharged."

Mr. Todd moved to lay the amendment on the table which motion prevailed.

On motion, article 93 of the Constitution was adopted without amendment.

The Convention took up article 94, which read as follows, and which was, on motion, adopted without amendment :

Article 94. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitration.

On the 95th article being taken up and read as follows, to wit :



Article 95. All civil officers for the State at large shall reside within the State, and all district or parish officers within their districts or parishes, and shall keep their offices at such places therein as may be required by law, and no person shall be elected or appointed to any parish office who shall not have resided in such parish long enough before such election, or appointment, to have acquired the right of voting in such parish; and no person shall be elected or appointed to any district office, who shall not have resided in such district, or an adjoining district, long enough before such appointment, or election, to have acquired the right of voting for the same.

Mr. Shaw moved to strike out the words "or an adjoining district."

Mr. Herron offered as a sub-amendment to strike out all after the word "law" in the first paragraph, which motion prevailed.

And on motion, the article as amended was adopted.

The 96th article being taken up and read as follows:

Article 96. The duration of all offices not fixed by this Constitution shall never exceed four years.

Mr. Herron moved to strike out "four years" and to insert in lieu thereof the words "two years."

Mr. Richardson, of St. Mary, moved as a sub-amendment to strike out the whole article, which motion prevailed.

The 97th article being then before the Convention and read as follows:

Article 97. All civil officers, except the Governor and Judges of the Supreme and District Courts, shall be removable by an address of a majority of the members of both Houses, except those the removal of whom has been otherwise provided for by this Constitution.

Mr. King, of St. Landry, moved to strike out "District" and to insert in lieu thereof the word "Inferior," which motion prevailed.

Mr. Lobdell then offered the following amendment to be inserted after the words "Inferior Courts," except Justices of the Peace, which amendment on motion was laid on the table.

On motion, the article as amended was adopted. The Convention then took up article 98 of the Constitution, which reads as follows:

Article 98. Absence on the business of this State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this Constitution.

Mr. Guion moved to amend the article by adding after the words "the United States," the following words: "Or on a visit or private business," which motion was lost.

Mr. Jennings then moved to reject the whole article, which motion was lost.

Mr. Delony moved to strike out all after the word "obtained," which motion was lost.

Mr. Benjamin moved to lay the whole article on the table, which motion prevailed.

The 99th article was then taken up, and read as follows:

Article 99. It shall be the duty of the Legislature to provide by law for deductions from the salaries of public officers who may be guilty of a neglect of duty.

On motion of Mr. Phillips, the above article was rejected.

Article 100 being then before the Convention, was read as follows, to wit:

Article 100. The Legislature shall point out the manner in which a person coming into the State, shall declare his residence.

Mr. Todd moved to reject the same, which was carried.

The Convention then took up article 101, which read as follows, to wit:

Article 101. In all elections by the people the vote shall be by ballot, and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

Mr. Gardere offered the following as a substitute to the above article:

Article 101. In all elections by the people, and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

Mr. Dufour moved to lay the substitute on the table. On said motion, Mr. Connely called for the yeas and nays, which resulted as follows:

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Bradford, Bartlett, Benjamin, Besancon, Bernard, Beard, Brother, Buisson, Byrne, Castellanos, Campbell, Conrad, Davidson, Delony, Declouet, Douglass, Dufour, Edwards of Orleans, Eggleston, Guion, Hatch, Hayes, Harris, Hargis, Hebert, Hough, Hodges, Hunt, Isaacks, Key, King of St. Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Marrero, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Preaux, Price, Pierce, Pierson, Phillips, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, Staes, Smart, Shaw, Shelton, Smith of West Feliciana, Sibley, Taliaferro, Thibodaux, Todd, Van Wickle, Villere, Williams and Whittington—80 yeas.

And Messrs. Anderson of St. Landry, Armant, Addison, Bienvenu, Boyer, Collens, Cotton, Connely, Dalferes, Dorsey, Dosson, Dugue, Duffel, Edwards of Washington, Eustis, Farmer, Gardere, Herron, Hernandez, Jennings, Jourdan, Jones, King of Jackson, Mathews of Point Coupee, Martin, Moss, Patterson, Pujo, Swazey, Scarborough, Smith of Winn, Stewart, Tatman, Talbot, Thompson and Waddill—36 nays.

Consequently the motion prevailed, and the substitute laid on the table.

Mr. Thompson offered the following amendment to be inserted at the end of the article: "Unless otherwise provided by law," which was, on motion, laid on the table.

Mr. Richardson of Ouachita offered the following amendment to be inserted at the end of the article: "Until the General Assembly shall otherwise direct."

Mr. Dufour moved to lay the amendment on the table, which motion prevailed.

On motion, the article was adopted without amendment.

The Convention then took up article 102, which reads as follows:

Article 102. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

Mr. Dufour moved to strike out the words "no member of Congress."

Mr. Smart moved as a substitute to reject the whole article.

Mr. Todd moved to lay the amendment and substitute on the table, which motion prevailed.

Mr. Phillips then offered the following substitute for article 102. "No member of Congress, or person holding



or exercising any office of trust or profit under the United States, or either of them, or under any foreign power shall be eligible to, or hold or exercise any office of trust or profit under the State.

On motion, the above substitute was laid on the table, and on further motion, the article was adopted without amendment.

The Convention then took up article 103, which reads as follows :

Article 103. The laws, public records and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the language in which the Constitution of the United States is written.

The Convention then proceeded to take into consideration article 104 of the Constitution, which reads as follows, to wit :

Article 104. The Secretary of the Senate and Clerk of the House of Representatives shall be conversant with the French and English languages, and members may address either House in the French or English languages.

Mr. Hebert moved to strike out all the first part of the article which reads thus : "The Secretary of the Senate and Clerk of the House of Representatives shall be conversant with the French and English languages, and"

Mr. Armant moved to lay the amendment on the table, which motion prevailed.

Mr. Pierce moved to reject the whole article.

Mr. Guion moved to lay the motion on the table. On said motion, Mr. King of St. Landry, called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Addison, Bradford, Benjamin, Besancon, Bernard, Beard, Bienvenu, Boudousquic, Boyer, Buisson, Campbell, Collens, Cotton, Connely, Conrad, Dalferes, Davidson, Delony, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Guion, Gardere, Hatch, Hayes, Herron, Hebert, Hernandez, Hough, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King of St. Landry, Lapeyre, Lcefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Phillips, Pujo, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Rosclius, Roman, Roysden, Ronquillo, Sandidge, St. Paul, Staes, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Stewart, Tatman, Talbot, Taliafero, Thibodaux, Thompson, Todd, Van Wickle, Villere, Waddill, Williams and Whittington—109 yeas.

And Messrs. Bartlett, Brother, Harris, Hargis, Hodges, King of Jackson, McMillen, Pierce and Pierson—9 nays.

Consequently the motion of Mr. Guion prevailed, and the motion of Mr. Pierce was laid on the table.

Mr. Richardson, of St. Mary, moved to strike out the last clause of said article, which reads as follows : "And members may address either House in the French or English language."

Mr. King, of St. Landry, moved to lay the amendment on the table, which motion prevailed.

On motion, the article was adopted without amendment.

The Convention then took up article 105, which reads as follows :

Article 105. The General Assembly shall direct by law, how persons who are now, or may hereafter become sure-

ties for public officers, may be discharged from such suretiship.

On motion of Mr. Hough, the above article was rejected.

The 106th article being then under consideration, and reads as follows, to wit :

Article 106. No power of suspending the laws of this State shall be exercised, unless by the Legislature, or by its authority.

On motion, it was adopted without amendment.

The Convention then proceeded to take into consideration article 107, which reads as follows :

Article 107. Prosecutions shall be by indictment or information. The accused shall have a speedy public trial by an impartial jury of the vicinage ; he shall not be compelled to give evidence against himself ; he shall have the right of being heard by himself or counsel ; he shall have the right, unless he shall have fled from justice, of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

Mr. Collens moved to strike out the words "indictment or," which, on motion of Mr. Hunt, was laid on the table.

Mr. Cotton moved to strike out the following words : "Unless he shall have fled from justice," which, on motion of Mr. Campbell, was laid on the table.

Mr. Phillips moved to insert after the word "prosecutions," in the first line, the following words : "Except for petty offences punishable by imprisonment not exceeding ten days, and by fine not exceeding \$25."

On motion of Mr. Eggleston, the amendment was laid upon the table, and on further motion, the article was adopted without amendment.

On motion, the Convention adjourned until to-morrow, at 9 o'clock A. M.

THURSDAY, July 15, 1852.

The Convention met pursuant to adjournment.

Present : Hon. D. F. Kenner, President of the Convention, in the Chair ; and 94 delegates.

The Rev. Mr. Crenshaw opened the proceedings with prayer.

Mr. Mathews asked leave of absence for Mr. Simms, which was granted.

Mr. Jennings offered the following resolution, which, on motion, was referred to the Committee on General Provisions :

As a well regulated system of internal improvement is calculated to develop the resources of the State and promote the happiness and prosperity of her citizens, it shall be the duty of the General Assembly to make provision by law for ascertaining the proper objects of improvements in relation to levees, drainage, roads, canals and navigable waters ; and it shall also be their duty to provide by law for an equal and judicious application of the fund which may be appropriated to these objects.

Mr. Collens, on behalf of a majority of the Committee on Electoral Franchise, submitted the following report :

The majority of the Committee on Electoral Franchise beg leave to report, that they have had under consideration the articles and resolutions referred to them, and they return the following as the result of the best consideration they were able to give to the subject. Your committee



propose that the subjoined articles shall form a separate title in the Constitution, as follows :

#### TITLE VI.

##### RIGHT OF SUFFRAGE.

Article —. In all elections by the people, every free white male, who has been one year a citizen of the United States, who has attained the age of twenty-one years, and resided in the State during one year next preceding the election, and the last six months thereof in the Parish in which he offers to vote, shall have the right of voting.

Art —. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

Art. — The Legislature shall provide by law for the registry of the names and residence of all qualified voters of the city of New Orleans ; and may also provide for the registry of the qualified voters in any Parish or Town wherein said registry shall be found necessary,

Respectfully submitted,

(Signed)

T. WHARTON COLLENS,  
Chairman.

Mr. Moss, on behalf of the same committee, informed the Convention that he would, on a future day, present a minority report.

On motion of Mr. Collens, the report was made the order of the day, to be taken up immediately after the title General Provisions have been disposed of.

Mr. King, of Jackson having voted in the majority on the motion to adopt article 93, moved for a reconsideration of the same, which motion was lost.

Mr. King, of St Landry, having on yesterday voted with the majority on the adoption of article 107, moved to reconsider the same, which was granted.

The article 107 of the Constitution being then before the Convention,

Mr. Hunt moved to strike out the following words, to wit : " unless he shall have fled from justice," which motion prevailed ; and, on a further motion, the article as amended was readopted.

The President laid before the Convention the following communication :

BATON ROUGE, July 15, 1852.

Hon. Duncan F. Kenner, President of the Convention :

SIR—The undersigned Committee, appointed at a public meeting held by the citizens of this Parish, to make suitable arrangements for a public testimonial in honor of that distinguished patriot and statesman, Henry Clay, whose recent death has clothed the whole Union in mourning, respectfully invite you, and through you the members of the Convention now in session, to unite with us in the performance of that melancholy duty, on Saturday, the 17th inst., at the Methodist Episcopal Church, at 11 o'clock, A. M.

Very respectfully,

Your obedient servant,

JOHN R. DUFRONCO,  
Chairman of Committee.

On motion of Mr. Richardson of Ouachita, the invitation was accepted.

##### SPECIAL ORDER OF THE DAY.

The Convention took up for consideration Article 8 of the Constitution, which was fixed as the special order of the day for to-day.

Mr. Conrad moved to postpone the further consideration of the above article, and to make it the special order

of the day for Wednesday, the 21st instant, which motion prevailed.

##### ORDER OF THE DAY.

The Convention then proceeded to take into consideration article 108 of the Constitution, which read as follows, to wit :

Article 108. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or presumption great ; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Mr. Eustis offered the following as a substitute to the above article :

Article 108. All persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great, or unless after conviction, by a petty jury for any offence or crime punishable with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

On motion of Mr. Hunt, the above substitute was adopted.

The Convention then took up the following articles of the Constitution, which, on motion, were severally adopted without amendments, to wit :

Article 109. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

Art. 110. The press shall be free. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for an abuse of this liberty.

The article 111 being then before the Convention, was read as follows, to wit :

Article 111. Emigration from the State shall not be prohibited.

On motion of Mr. Conrad, the above article was rejected.

The Convention then took up article 112, which read as follows, to wit :

Article 112. The General Assembly which shall meet after the first election of Representatives under this Constitution, shall, within the first month after the commencement of the session, designate and fix the seat of Government at some place not less than sixty miles from the city of New Orleans, by the nearest traveling route ; and if on the Mississippi river, by the meanders of the same ; and when so fixed, it shall not be removed without the consent of four-fifths of the members of both Houses of the General Assembly. The sessions shall be held in New Orleans until the end of the year 1848.

Mr. Hatch offered the following as a substitute :

The seat of Government shall be fixed at the City of Baton Rouge, and shall not be removed without the consent of four-fifths of the members of both Houses of the General Assembly.

Mr. Herron moved to postpone the consideration of the article until Monday, 19th instant.

Mr. Richardson of St Mary, moved to lay the motion on the table, which was carried.

Mr. Jones moved to lay the whole subject on the table, On said motion the yeas and nays were called, and resulted as follows :



Messrs. Armant, Castellanos, Dalferes, Eggleston, Jones, Roselius and Staes—7 yeas.

And Messrs. Anderson of St Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Addison, Bradford, Benjamin, Besancon, Bernard, Beard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Carter, Campbell, Collens, Cotton, Connely, Conrad, Davidson, Delony, Declouet, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eustis, Farmer, Gardere, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, Lobdell, LeBlanc, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Martin, Moss, Monge, Nicholls, Olivier of St Mary, Olivier of St. Martin, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Phillips, Pujo, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roman, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Stewart, Tatman, Talbot, Taliafero, Thibodaux, Thompson, Todd, Van Wickle, Villere, Waddill, Williams, Whittington—110 nays.

Consequently said motion was lost.

Mr. Williams offered the following amendment to the substitute offered by Mr. Hatch :

The seat of Government shall be and remain at Baton Rouge. and shall not be removed without the consent of two-thirds of both Houses of the General Assembly.

Mr. Conrad moved to lay the amendment on the table, which motion was lost.

Mr. Palfrey moved as a sub-amendment to strike out in the above amendment the words "two-thirds," and insert in lieu thereof the words "three-fourths." On said motion, the yeas and nays were called for, and resulted as follows :

Messrs. Avery, Andrews, Armant, Bradford, Bernard, Bienvenu, Brother, Boyer, Bullard, Buisson, Castellanos, Campbell, Collens, Cotton, Connely, Dalferes, Davidson, Dufour, Dugue, Edwards of Orleans, Eggleston, Eustis, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hodges, Hunt, Jourdan, Jones, Key, Lapeyre, Leefe, Leeds, Parham, Palfrey, Patterson, Price, Pierson, Phillips, Reeves, Richardson of St. Mary, Richardson of Ouachita, Roysden, Smart, Swazey, Shaw, Shelton, Smith of West Feliciana, Smith of Winn, Stewart, Tatman, Talbot, Thibodaux, Thompson, Todd, Van Wickle, Waddill and Whittington—61 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Anderson of Carroll, Addison, Benjamin, Besancon, Beard, Boudousquie, Byrne, Carter, Conrad, Delony, Declouet, Dorsey, Dosson, Douglass, Duffel, Edwards of Washington, Farmer, Hatch, Herron, Hebert, Hough, Isaacks, Jennings, King of St. Landry, King of Jackson, LeBlanc, Lobdell, Lyle, McMillen, Mathews of Point Coupee, Moss, Nicholls, Olivier of St. Martin, Olivier of St. Mary, McIlhenny, Mathews of Orleans, Martin, Monge, Paxton, Preaux, Pierce, Pujo, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Scarborough, Sibley, Taliafero, Villere, Williams—57 nays.

Consequently said motion prevailed, and the amendment was adopted.

The question then being on the adoption of the amendment as amended,

Mr. Taliafero moved to lay the same on the table. On said motion, the yeas and nays were called for, and resulted as follows :

Messrs. Armant, Bradford, Bernard, Bienvenu, Brother, Boyer, Bullard, Cotton, Dosson, Dugue, Eggleston, Eustis, Guion, Jones, Key, Lapeyre, Mathews of Orleans, Martin, Monge, Preaux, Pujo, Risk, Roselius, Robinson, St. Paul, Staes, Sibley, Taliafero, Van Wickle, Villere and Williams—31 yeas ; and

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Addison, Benjamin, Besancon, Beard, Boudousquie, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Conrad, Davidson, Delony, Declouet, Dorsey, Douglass, Dufour, Duffel, Edwards of O., Edwards of Washington, Farmer, Gardere, Hatch, Hays, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, King of St. Landry, King of Jackson, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McMillen, Mathews of Point Coupee, Moss, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Price, Pierce, Pierson, Phillips, Reeves, Richardson of Ouachita, Richardson of St. M., Roman, Roysden, Ronquillo, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Stewart, Tatman, Talbot, Thibodaux, Thompson, Todd, Waddill and Whittington—84 nays.

Consequently said motion was lost, and on motion the amendment and sub-amendment were adopted.

The President laid before the Convention the following communication from the Secretary of State, accompanied by a tabular statement from the United States census of 1850, in compliance with a resolution adopted on the 8th instant :

BATON ROUGE, July 15, 1852,

Sir—In compliance with a resolution adopted by the Convention on the 8th inst., it becomes my duty to lay before that honorable body, over which you preside, the annexed tabular statement, made from the United States Census of 1850, by Mr. E. R. Eastin, who was chosen by the Committee of the Legislative Department, to assist me in a task requiring considerable labor. The work has been carefully and faithfully executed by him, so far as I can judge, and is now submitted to the consideration of the Convention. It shows :

1. The whole white population of the State, amounting to.....255,416
2. Slave population.....244,786
3. Free persons of color..... 17,537
4. Number of white males over the age of 21 years, 72,997
5. The respective number of said persons in each parish of the State..... ———

With regard to the last State census, made in 1847, I regret that it is not in my power to give any information drawn from that source. The rolls were sent by me to the Legislature in 1848, as will appear by the examination of the records of both Houses, and they have not, as yet, been returned to this office.

As to the United States Census of 1830 and 1840, I have the honor to lay before the Convention the printed copies thereof, transmitted to this State by the Federal Government. Respectfully, etc.,

[Signed.] CHAS. GAYARRE, Secretary of State.

Hon. Duncan F. Kenner, President of the Convention.



POPULATION OF THE STATE OF LOUISIANA.  
SEVENTH CENSUS, 1850.

Eastern District.	Whites.	Free Col'd.	Slaves.	Total Popul'n.	Males over the age of 21 years.	Electors of 1847.
Ascension.....	3,339	147	7,286	10,752	827	543
Assumption.....	5,170	37	5,341	10,538	1,165	1,052
East Baton Rouge	5,343	210	6,351	11,977	1,520	732
West B'n Rouge	1,818	102	4,350	6,270	456	402
East Feliciana....	4,061	23	9,514	13,598	1,097	750
West Feliciana..	2,473	106	10,666	13,245	751	516
Iberville.....	3,568	104	8,607	12,279	1,065	768
Jefferson.....	18,021	874	6,196	25,091	5,275	1,284
Lafourche.....	5,143	22	4,368	9,533	1,103	1,048
Livingston.....	2,573	20	842	3,385	587	433
Orleans.....	91,355	10,038	13,068	119,461	32,861	975
Plaquemines.....	2,221	390	4,779	7,290	793	878
Point Coupee....	2,967	561	7,811	11,339	816	625
St. Bernard.....	1,466	73	2,323	3,862	458	239
St. Charles.....	867	121	4,132	5,120	217	187
St. Helena.....	2,354	11	2,196	4,561	484	410
St. James.....	3,285	62	7,751	11,098	740	651
St. John Baptiste	2,586	191	4,540	7,317	585	519
St. Tammany....	3,642	359	2,363	6,364	843	438
Terrebonne.....	3,324	72	4,328	7,724	759	553
Washington.....	2,367	4	1,037	3,408	489	404
Eastern.....	167,837	13,586	122,829	304,252		
Western District						
Avoyelles.....	4,066	99	5,161	9,326	879	868
Bienville.....	3,623	21	1,895	5,539	767	—
Bossier.....	2,507	00	4,455	6,962	588	366
Caddo.....	3,637	39	5,205	8,884	1,058	460
Calcasieu.....	2,716	241	957	3,914	576	444
Caldwell.....	1,584	00	1,231	2,815	349	268
Carroll.....	2,336	10	6,443	8,789	698	467
Catahoula.....	3,585	19	3,528	7,132	810	628
Claiborne.....	4,949	00	2,522	7,471	1,079	1,095
Concordia.....	823	1	6,934	7,758	280	352
DeSoto.....	3,548	25	4,446	8,019	854	454
Franklin.....	1,664	14	1,573	3,251	371	333
Jackson.....	3,406	2	2,158	5,566	716	288
Lafayette.....	3,390	160	3,170	6,720	657	638
Morehouse.....	1,877	30	2,006	3,913	506	215
Natchitoches....	5,466	881	7,854	14,201	1,349	1,001
Rapides.....	5,037	184	11,340	16,561	1,301	871
Sabine.....	3,347	00	1,168	4,515	706	642
St. Landry.....	10,139	1,243	10,871	22,253	2,147	1,543
St. Martin.....	4,741	531	6,493	11,765	1,146	942
Tensas.....	900	2	8,138	9,040	330	273
St. Mary.....	3,423	424	9,853	13,700	1,029	680
Union.....	4,778	00	3,425	8,203	1,066	514
Vermillion.....	2,328	14	1,067	3,409	476	409
Ouachita.....	2,293	7	2,708	5,008	500	312
Madison.....	1,416	4	7,353	8,773	473	423
Western.....	87,579	3,951	121,957	213,487		
Eastern.....	167,837	13,586	122,829	304,252		
Aggregate Pop'n	255,416	17,537	244,786	517,739	72,997	

Total Whites and Free Colored.....272,953  
Three-fifths of Slaves.....146,871  
Federal Representative population.....419,824

On motion of Mr. King, of St. Landry, 200 copies of the above tabular statement were ordered to be printed.

The Convention then proceeded to take into consideration article 113, which was laid over, having been referred to the Committee on General Provisions, and the committee not having yet reported on the same,

The Convention took up for consideration article 114, which being read was, on motion of Mr. Roman, referred to the Committee on General Provisions.

The 115th article being taken up and read, as follows, was on motion adopted :

Article 115. The Legislature shall provide by law for a change of venue in civil and criminal cases.

On the 116th article being read as follows, to-wit :

Article 116. No lottery shall be authorized by this State, and the buying and selling of lottery tickets within the State is prohibited.

Mr. Staes moved to reject the above article.

Mr. McIlhenny moved to lay the motion on the table, which was carried.

And, on motion, the article was adopted without amendment.

The Convention took up the following article, which having been read was, on motion, adopted, to-wit :

Article 117. No divorce shall be granted by the Legislature.

The article 113 then being before the Convention, and read as follows, to-wit :

Article 118. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

Mr. Jennings moved to reject the same.

Mr. Nicholls moved to lay the amendment upon the table, which motion prevailed.

On motion the article was adopted without amendment.

The 119th article being next in order was taken up and read, as follows, to-wit :

Article 119. No law shall be revived or amended by reference to its title ; but in such case, the act revived or section amended shall be re-enacted and published at length.

Mr. Connelly moved to reject the article.

Mr. Todd moved to lay the motion on the table, which was carried.

And, on a further motion, the article was adopted.

The 120th article was then taken up, and being read as follows, was, on motion, adopted, to-wit :

Article 120. The Legislature shall never adopt any system or code of laws by general reference to such system or code of laws, but in all cases shall specify the several provisions of the laws it may enact.

Articles 121, 122, 123, 124 and 125, having been referred to the Committee on General Provisions, were laid over until said committee should report upon the same.

Article 126 being next in order, was taken up and read as follows, to-wit :

Article 126. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

Mr. Staes moved to strike out the following words, "except that of Justice of the Peace," which motion was lost.

Mr. Castellanos moved to insert at the end of the above article the following words, "without the incorporate limits of the city of New Orleans."

On motion the amendment was laid upon the table, and on a further motion the article was adopted without amendment.

The Convention then took up article 127, which reads as follows :

Article 127. Taxation shall be equal and uniform throughout the State. After the year 1848, all property on which the taxes may be levied in this State shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied ; the Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

Mr. St. Paul offered the following substitute to the above article :

Article 127. Taxation shall be uniform throughout the State, and all property shall be taxed in proportion to its value, to be ascertained as directed by law, and no one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied. Provided, however, that property holders, whose whole estimated taxable fortune amounts to less than \$3000—shall be entitled to a deduction of one-



fourth ; those whose whole taxable fortune amounts to less than \$2000, shall be entitled to a deduction of one-third ; and those whose taxable fortune amounts to less than \$1000, shall be entitled to a deduction of one-half the amount of taxes for which their property may be assessed.

And all corporations authorized by law to lay and levy taxes on real estate and slaves, shall be bound to adopt the same rule in the collection thereof.

The Legislature shall have power to levy an income tax and to tax all persons pursuing any occupation, trade or profession.

Mr. Avery moved to lay the substitute on the table, which motion prevailed.

Mr. Cotton moved to strike out in the above article the words "occupation, trade, or."

Mr. Connely then offered the following article as a substitute :

Article 127. Taxation shall be equal and uniform throughout the State ; no one species of property shall be taxed higher than another species of property of equal value.

The Legislature shall fix the value of real estate and slaves for purposes of taxation, and shall provide by law for ascertaining the value of other taxable property. The Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

Mr. Cotton moved to lay the substitute upon the table, which motion prevailed.

The question then being on the adoption of the proposition offered by Mr. Cotton, and the motion having been made to lay the same on the table—

Mr. Cotton called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Bradford, Bartlett, Benjamin, Bernard, Beard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Collens, Connely, Conrad, Delony, Dorsey, Douglass, Dufour, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Hatch, Hays, Harris, Hargis, Hough, Hodges, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of Point Coupee, Martin, Monge, Nichols, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Pierson, Phillips, Reeves, Richardson of Ouachita, Risk, Roselius, Roman, Ronquillo, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Sibley, Tatman, Taliaferro, Thompson, Todd, Waddill, Williams and Whittington—82 yeas.

And Messrs. Cotton, Dalferes, Dugue, Duffel, Gardere, Guion, Herron, Hernandez, Jourdan, McMillen, Moss, Olivier of St. Martin, Price, Pujo, Richardson of St. Mary, Roysden, Robinson, Staes, Smith of West Feliciana, Smith of Winn, Talbot and Van Wickle—22 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Collens then moved to strike out in the above article the words "after the year 1848."

Pending the consideration of the same,

Mr. Connely moved to refer the whole subject to the Committee on General Provisions, which was lost.

The question then being on the adoption of Mr. Collens' amendment, was decided in the affirmative ; consequently the motion was adopted.

Mr. Cotton moved to amend the article by inserting at the end thereof the following words : "On the ad valorem principle," which motion was lost.

Mr. Guion moved to strike out in the article the words "an income tax," which was lost.

Mr. Herron moved to strike out all the second clause in the above article, and also all after the words "be levied" to the end of the article.

Mr. Richardson, of Ouachita, moved to lay the amendment on the table, which motion prevailed.

Mr. Connely moved to insert after the words "shall be levied," the following words : "But the Legislature shall fix the value of lands and slaves for the purposes of taxation."

Mr. King, of St. Landry, moved to lay the amendment on the table.

On said motion, Mr. Connely called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Addison, Bradford, Bartlett, Benjamin, Beard, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Conrad, Delony, Declouet, Douglass, Dufour, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Hatch, Hayes, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Martin, Moss, Monge, Nicholls, Parham, Paxton, Preaux, Price, Pierce, Pierson, Phillips, Pujo, Richardson of Ouachita, Risk, Roselius, Roman, Ronquillo, Sandidge, St. Paul, Staes, Swazey, Shaw, Shelton, Smith of West Feliciana, Tatman, Talbot, Taliaferro, Todd, Villere and Waddill—85 yeas.

And Messrs. Besancon, Bernard, Connely, Dalferes, Dorsey, Duffel, Farmer, Guion, Jourdan, Lobdell, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Richardson of St. Mary, Roysden, Robinson, Smart, Scarborough, Smith of Winn, Sibley, Stewart, Thompson, Van Wickle, Williams and Whittington—25 nays.

Consequently the motion prevailed and the amendment was laid on the table.

Mr. Cotton moved to insert, at the end of the article, the following words "and capital shall be taxed."

Mr. Armant called for the previous question, which was carried.

The question being then on the adoption of the proposition of Mr. Cotton, the question was decided in the negative ; consequently the motion was lost.

Messrs. Besancon and Cotton asked that their votes should be recorded, which was accordingly ordered. Both delegates voted in the affirmative.

On motion the article was adopted as amended.

The Convention then proceeded to take into consideration article 128, which reads as follows :

Article 128. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of said city, pursuant to the mode of elections which shall be prescribed by the Legislature ; *Provided*, that the Mayor and Records shall be ineligible to a seat in the General Assembly ; and the Mayor, Records and Aldermen shall be commissioned by the Governor as Justices of the Peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor



crimes and offences, and as the police and good order of said city may require.

Mr. Preaux offered the following amendment, to be inserted after the words "provided by the Legislature"—"and the Legislature shall be empowered to vest them with such legislative power as may be deemed necessary to enable them to carry into effect municipal purposes."

Mr. Herron moved to lay the amendment on the table.

On the vote being taken, it appeared that 46 delegates voted in the affirmative and 45 in the negative; the President voting with the minority, declared the motion to lay on the table carried.

Mr. Eustis moved to strike out the word "and," before the word "Aldermen," and to insert after the word "Aldermen" the words "and Assistant Aldermen," which motion prevailed.

Mr. Collens then moved to insert at the end of the article the following words: "and in cases of misdemeanors, the trial by jury may be dispensed with; provided the accused consents."

Mr. Isaacks moved to reject the whole article.

Mr. McIlhenny moved to lay the motion on the table, which was carried.

Mr. Hunt then called for the previous question, which was carried.

The question being then on the amendment offered by Mr. Collens, the President put the motion on its adoption, which was lost.

On motion, the article was adopted without amendment.

The Convention then next took up for consideration the following article, which on motion was adopted:

Article 129. The Legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

The 130th article being taken up and read as follows, to wit:

Article 130. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner, those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under the Constitution.

Mr. LeBlanc moved to reject the same.

Mr. Connely moved to lay the motion on the table.

On said motion Mr. Preaux called for the yeas and nays.

Pending the consideration of the same,

On motion, the Convention adjourned until to-morrow at 9 o'clock A. M.

FRIDAY, July 16, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Woodbridge opened the proceedings with prayer.

Present: Hon. D. F. Kenner, President of the Convention, in the Chair; and 87 delegates.

On motion, leave of absence was granted to the following named delegates: Messrs. Tolbert, Dalferes, Pugh, Williams, Herbert and Marrero.

Mr. Moss, on behalf of the minority of the Committee on Electoral Franchise, submitted the following report:

The minority of the Committee on Electoral Franchise, to which committee was referred the subject of a Registry Law, not concurring in the report of the majority of said committee, which would compel the Legislature to enact a registry law, beg leave to submit the following report:

The undersigned think it is useless to burthen the Constitution with a subject which is purely legislative. It would be forcing the Legislature to pass such a law, by reason of the oath taken by the members thereof to support the Constitution, notwithstanding the people might be opposed to it.

We therefore think that the subject should be left open for legislation; the people may then, if it is their will, obtain such a law.

(Signed)

A. J. Moss,

On the part of the Minority.

The same delegate, on the part of the minority of the same committee, presented the following report:

The undersigned, members of the Committee on the "Electoral Franchise," not concurring in that portion of the report made by the majority of said committee, which requires a person to be a citizen of the United States *one year*, before he is entitled to vote, beg leave to submit the following report:

The undersigned are of the opinion, that any person should be entitled to the right of suffrage as soon as he becomes a citizen of the United States, provided he possesses the other requirements fixed by law. Because, under its Constitution and laws, a citizen duly naturalized becomes at once possessed of the rights and privileges of citizenship. The exception embodied in the Constitution of this and some others of the States of this Union, refusing to our naturalized citizens for a time the right of suffrage, is an exception to this general principle, which, unless supported by good and sufficient reasons, ought not to be recognized. We are of the opinion that no necessity or good reason exists for the exception.

The question of time, necessary to acquire citizenship in the United States, has been repeatedly discussed in Congress, and the time now fixed by law, to wit: five years—has been fully recognized as sufficient. That length of time affords ample security, because, before the expiration of it, a foreigner will have necessarily contracted social and business relations. By fixing five years as the time of probation, it is evident that Congress did not intend that any future time should be required. Conventions of other States of this Union for framing Constitutions, assembled within the last few years, have very generally approximated to the principle here contended for, by shortening the residence required in the State, after naturalization, to acquire the right of voting. Many of them have even gone far beyond this, by allowing *aliens* and citizens of other States of the Union to vote without distinction, after having resided in the State the length of time required by law.

No good reason has been assigned why a citizen of the United States, who has been one year a resident of the State and six months in a Parish, should not be entitled to vote. A liberal and wise policy seems to dictate that we should.

We would therefore recommend for adoption the following substitute:

Article 10. Every free white male, who has attained the age of twenty-one years, and who has been a resident of



the State twelve months next preceding the election, and the last six months thereof in the Parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting. Electors shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to or returning from elections.

(Signed)

A. J. Moss,

On the part of the Minority.

Mr. Benjamin offered the following resolution, which, on motion, was adopted :

Resolved, That a Special Committee of five members shall be appointed by the Chair, to be called the "Committee on Style," whose duty it shall be to examine the several titles of the Constitution as they shall be passed, with the view of correcting any errors or ambiguities that may have escaped the notice of the Convention, and that said committee report to the Convention such corrections of style as they may deem proper.

The President appointed on said committee, Messrs. Benjamin, Bullard, Hayes, Jourdan and Edwards of Orleans.

Mr. Isaacks offered the following article :

"The Legislature shall have authority to extend jurisdiction to Justices of the Peace of all minor crimes and offences."

On motion of Mr. Preaux the further consideration of the above resolution was postponed until Tuesday, the 20th inst., to be taken up with the report of the Committee on the Judiciary.

Mr. Delony offered the following article, to be inserted under title General Provisions :

"Art. —. The Secretary and Treasurer of the State, the Attorney General of the State, the Judges of the Supreme Court, the Judges of Inferior or District Courts, the District Attorneys, the Parish Judges, Sheriffs, Clerks of District and Parish Courts, Justices of the Peace, Coroners and Constables, shall be elective by the qualified voters of the State, and the General Assembly shall provide for the same."

On motion of the same delegate, the above article was postponed until after the consideration of the report from the Committee on the Judiciary.

Mr. Olivier, of St. Mary, having voted in the majority on the motion to adopt the substitute to article 108, moved for a reconsideration, which was granted.

The substitute being then before the Convention,

Mr. Olivier moved to strike out the following words : "by a Petit Jury," which was carried, and on a further motion the substitute was re-adopted as amended.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of article 130, which was under consideration when they adjourned on yesterday.

The question being on the motion of Mr. Connely to lay on the table, the motion made by Mr. LeBlanc to reject the above article, on motion of Mr. Preaux the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Anderson of Carroll, Addison, Bradford, Benjamin, Bernard, Brother, Boyer, Bullard, Byrne, Carter, Collens, Connely, Conrad, Davidson, Delony, Dorsey, Dosson, Duffel, Edwards of Washington, Eggleston, Enstis, Guion, Hatch, Hayes, Harris, Hargis, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King of Jackson, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews

of Point Coupee, Martin, Olivier of St. Mary, Palfrey, Patterson, Price, Pierce, Pierson, Pujo, Reeves, Richardson of Ouachita, Roselius, Roysden, Ronquillo, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of Winn, Stewart, Tatman, Taliaferro, Thibodaux, Thompson, Todd, Van Wickle, Waddill, and Whittington—73 yeas.

And Messrs. Andrews, Armant, Bartlett, Bienvenu, Boudousquie, Castellanos, Campbell, Cotton, Deelouet, Douglass, Dufour, Dugue, Edwards of Orleans, Gardere, Hernandez, Herron, King of St. Landry, Leece, LeBlanc, Mather, Moss, Monge, Nicholls, Olivier of St. Martin, Parham, Paxton, Preaux, Roman, St. Paul, Staes, Smith of West Feliciana, Sibley and Villere—33 nays.

Consequently the motion prevailed, and the proposition of Mr. LeBlanc was laid on the table.

Mr. Castellanos offered the following substitute for the above article :

"Article 130. The Legislature shall, from time to time, make such legislative enactments as they may deem best calculated to suppress the practice of dueling in this State."

On motion the substitute was laid upon the table.

And on motion of Mr. Stewart the article 130 was adopted without amendment.

Messrs. Preaux, Hernandez and Staes, asked leave to have their votes recorded, which was ordered, and they voted against the adoption of the above article.

Mr. Preaux presented the following as his reasons for voting against the adoption of article 130, which, on motion, was ordered to be spread on the journal :

I vote *no* because I consider the article 130 of the Constitution of 1845 as a penal statute, and that the guilty party is placed in the situation of being compelled to give evidence against himself, and to support the chances of a sentence of disfranchisement without a fair hearing of his case, which effects are in my opinion contrary to the true principles of a Republican government.

(Signed)

ROBERT PREAUX.

The Convention then took into consideration article 89 of the Constitution, which had been postponed in order to be taken up with article 130.

The substitute offered by Mr. Preaux for article 89, on the 14th instant, was read, and on motion of Mr. Cotton was laid upon the table.

Mr. Jones offered the following amendment, to be added at the end of the article. "I further do solemnly swear that I have not procured any appointment or election by bribery, or the purchase of votes, neither directly nor indirectly," which, on motion was rejected.

Mr. Guion moved to insert after the words "I will" in the first line of the oath, the following words, "support the Constitution of the United States and of this State, and that I will," which was carried.

On motion, the article was adopted as amended.

The Convention then took up the following article, which was, on motion, adopted, to wit :

Article 131. The Legislature shall have power to extend this Constitution, and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

Mr. Swayze offered the following as an additional article.

Art. —. "The powers not delegated by this Constitution, nor prohibited by it, are reserved to the people, or their representatives."

On motion of Mr. Hough, the above additional article was laid on the table.



Mr. Moss submitted the following as his reasons for voting against the adoption of article 89 of the Constitution, and moved to have the same spread on the journal, which was ordered.

I vote *no*, because the 89th article would necessarily compel a man who has been concerned in a duel, to throw a strong presumption against himself of having committed a penal offence, and at the same time suffering a portion of the punishment on account of his own connection.

Mr. Delony offered the following additional article, which reads thus :

Art. — The people of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and of exercising each and every power, jurisdiction and right pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the government of the United States.

On motion, the article was laid on the table.

Mr. Benjamin offered the following additional article, under the title of General Provisions, which was adopted.

Article. — None of the Lands granted by Congress to the State of Louisiana, for aiding it in constructing the necessary levies and drains, to reclaim the swamp and overflowed lands in this State, shall be diverted from the purposes for which they were granted.

Article. 132 of the Constitution being then taken up and read as follows, to-wit :

Article 132. The Constitution and Laws of this State shall be promulgated in the English and French languages.

Mr. Thompson moved to insert at the end thereof, the following words, "unless otherwise provided by law," which on motion of Mr. Collens was laid on the table.

On motion the article was adopted without amendment.

Mr. Dufour moved to add to the title "*Executive Department*" the following articles :

Art. — There shall be a Treasurer of the State, who shall hold his office during the term of two years.

Art. — The Secretary of State and Treasurer of State shall be elected by the qualified electors of the State.

And in case of any vacancies caused by the death, resignation or absence of the Treasurer or Secretary of State, the Governor shall order an election to fill said vacancy.

Mr. Olivier moved to strike out in the first article the word "two" and to insert in lieu thereof the word "four."

Mr. Herron moved to lay the amendment on the table, which motion was carried.

Mr. King, of Jackson, moved to amend the first article by adding the following words :

"But no person shall be eligible to the office of Treasurer more than twice during any term of six years."

On motion of Mr. LeBlanc the amendment was laid on the table, and on a further motion the articles offered by Mr. Dufour were adopted.

Mr. Herron offered the following additional article to the above articles, which being read, was on motion rejected, to-wit :

Art. — There shall be an Auditor of Public Accounts, elected by the qualified voters of the State, who shall hold his office during the term of two years.

Mr. Parham offered the following article, to come under the head of General Provisions, to-wit :

The Legislature shall have power to confer jurisdiction on Justices of the Peace, for the trial without a jury of all petty offences ; provided that the accused shall not

be imprisoned for more than ten days, nor fined more than fifty dollars, at the discretion of the Justice of the Peace.

Mr. Benjamin moved to postpone the consideration of the same until Tuesday, to be taken up with the report of the Committee on the Judiciary, which motion prevailed.

The Convention then took up for consideration the majority and minority reports of the Committee on the Electoral Franchise.

Mr. Waddill moved to postpone the consideration of the reports and moved to have the same printed, for the use of this Convention, which motion was lost.

Mr. Byrne moved to take up as a substitute to the first Article, reported by the majority, the Article reported by the minority of said Committee, which reads as follows to-wit :

Art. 10. Every free white male, who has attained the age of twenty-one years, and who has been a resident of the State twelve months next preceding the Election, and the last six months thereof in the Parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting. Electors shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to or returning from elections.

Mr. Armant moved to lay the above article on the table.

On said motion, Mr. Moss called for the yeas and nays, which resulted as follows.

Messrs. Anderson of St. Landry, Akenhead, Anderson, of Carroll, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquie, Campbell, Collens, Conrad, Declouet, Dorsey, Douglass, Dufour, Duffel, Edwards of O., Edwards of Wash., Eggleston, Guion, Hayes, Hodges, Jones, Key, King of St. Landry, Leeds, Lobdell Lyle, McMillen, Mathews of Orleans, Martin, Mather, Olivier of St. Martin, Palfrey, Preaux, Pujo, Richardson of St. Mary, Roselius, Roman, Roysden, St. Paul, Swazey, Smith of W. F., Sibley, Tatman, Thibodaux and Thompson—48 yeas.

And Messrs. Addison, Beard, Bienvenu, Byrne, Castellanos, Carter, Cotton, Conelly, Davidson, Delony, Dosson, Dugue, Eustis, Gardere, Hatch, Harris, Hargis, Herron, Hough, Hunt, Isaacks, Jennings, Jourdan, King of Jackson, Leefe, LeBlanc, McIlhenny, Matthews of Point Coupee, Moss, Monge, Nicholls, Parham, Paxton, Patterson, Price, Pierce, Reeves, Richardson of Ouchita, Ronquillo, Sandidge, Smart, Searborough, Shelton, Smith of Winn, Stewart, Taliaferro, Todd, Villere, Waddill and Whittington—50 nays.

Consequently said motion was lost, and the Convention refused to lay the article on the table.

Mr. Smart moved to strike out in the above article the following words : "twelve months" and "six months," and to insert in lieu thereof, the words "eight months," and "four months."

Mr. Dufour moved to lay the amendment on the table, which motion prevailed.

The following named delegates asked leave to have their votes recorded, on the motion of Mr. Dufour to lay on the table the amendment offered by Mr. Smart, which was ordered, and they voted in the negative, viz :

Messrs. Richardson of O, Todd, Beard, Smart, Herron, Harris, King of J, Dawson, Parham, Addison, Isaacks, Waddill, Boyer, Cotton, Bienvenu, Eustis, Stewart, Sandidge, VanWickle, Mathews of Point Coupee, Pierce, Searborough, Villere, Whittington, Jourdan and Shelton.



Mr. Martin moved to strike out "twelve months," and "six months" in the above article, and to insert in lieu thereof the words "two years," and "one year," which motion was lost.

Mr. Todd moved to strike out "twelve months," and to insert "nine months," and to strike out "six months," and to insert "three months."

On motion to lay the same on the table, the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Andrews, Anderson of Carroll, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquie, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Davidson, Delony, Declouet, Dorsey, Douglass, Dufour, Dugue, Duffel, Edwards of W, Eggleston, Gardere, Guion, Hatch, Hayes, Hargis, Hough, Hodges, Hunt, Jennings, Jones, Key, King of St Landry, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Mather, Monge, Nicholls, Olivier of St Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pearson, Pujo, Reeves, Richardson, of St. Mary, Roselius, Roman, Roysden, St Paul, Swazey, Smith, of West Feliciana, Sibley, Tatman, Thibodaux and Thompson—70 yeas.

And Messrs. Addison, Beard, Bienvenu, Boyer, Cotton, Dosson, Edwards of Orleans, Eustis, Harris, Herron, Isaacs, Jourdan, King of Jackson, Mathews, McMillen, Point Coupee, Moss, Olivier of St Martin, Parham, Pierce, Richardson of Ouachita, Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith of Winn, Stewart, Taliafero, Todd, Van Wickle, Villere, Waddill, and Whittington—33 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Carter then offered the following proviso :

Provided, That no voter shall lose his right of voting in any parish until the same shall be acquired in another.

On motion the proviso was adopted.

Mr. Collens moved to strike out the words "and who shall be a citizen of the United States," and to insert the following words : "who shall have been one year a citizen of the United States."

Mr. Smart moved to lay the motion on the table.

Pending the consideration of the same—

On motion, the Convention adjourned until Monday morning, at 9 o'clock.

Mr. Jourdan asked leave to have his vote recorded against the motion of adjournment.

MONDAY, July 19, 1852.

The Convention met pursuant to adjournment.

Present : Hon. D. F. Kenner, President of the Convention in the chair, and 89 delegates.

On motion leave of absence was granted to the following named delegates : Messrs. Bartlett and Hargis.

Mr. Richardson of St. Mary asked and obtained leave to change his vote given on the vote taken on Mr. Armant's motion to lay on the table Mr. Byrne's motion to adopt article 10, as reported by the minority of the Committee on Elective Franchise, he having voted aye, now votes no.

The same delegate asked and obtained leave to record his vote in favor of the adoption of article 130.

Mr. Besancon asked and obtained leave to record his vote against the adoption of article 130.

Mr. Todd, on behalf of the Committee on Amendments to the Constitution, submitted the following report :

The Committee on Amendments to the Constitution, to whom was referred the proposition of the delegate from East Feliciana, (Gen. Carter,) in regard to the mode of amendment of this Constitution, beg leave unanimously to report—

That they believe that the mode of revision in the present Constitution to be unnecessarily restrictive—that it presents too many obstacles in the way of effecting a change in the organic law, and that a speedier process of amendment, one requiring a shorter time and fewer formalities, while it would afford ample time for deliberation, and obtain as fully the sanction of the people upon the changes proposed, would, at the same time, dispense with the necessity, and save the expense, of a Convention hereafter being called to effect changes that may be desired. They, therefore, respectfully recommend the following as a substitute for the article on the subject as it now stands.

Art. —. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by *two-thirds* of the members elected to each House and approved by the Governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election for Representatives to the State Legislature, in at least one newspaper, in French and English, in every Parish in the State in which a newspaper shall be published, and such proposed amendment or amendments shall be submitted to the people at said election, and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of the Constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

(Signed)

R. B. TODD, Chairman.

On motion of Mr. Richardson, of O., 200 copies of the above report were ordered to be printed for the use of this Convention.

Mr. Guion, from the Committee on the Legislative Department, submitted the following report :

The Committee on the Legislative Department, to whom were referred the 8th, 15th and 16th articles of the Constitution, report—

That after mature consideration they are of opinion the 8th article requires material amendment, and they submit a new article in lieu thereof, corresponding with their views of the alterations which are necessary, and that the 15th and 16th articles ought to be adopted without amendment.

(Signed)

GEORGE S. GUION, Chairman.

Article 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the total population of each of the several Parishes of the State. Each Parish shall have at least one Representative. No new Parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a population less than the full number entitling it to a Representative, nor when the creation of such new Parish would leave any other Par-



ish without the said extent of territory and amount of population.

The first enumeration to be made by the State authorities under the Constitution shall be made in the year 1853; the second in the year 1858; the third in the year 1863; after which time the General Assembly shall direct in what manner the census shall be taken, so that it be made at least once in every period of ten years, for the purpose of ascertaining the total population in each Parish and election District.

At the first regular session of the Legislature after the making of each enumeration, the Legislature shall apportion the representation among the several Parishes and election Districts on the basis of the total population, as aforesaid. A representative number shall be fixed, and each Parish and election District shall have as many Representatives as its aggregate population shall entitle it to, and an additional Representative for any fraction exceeding one half the representative number. The number of Representatives shall not be more than one hundred nor less than seventy.

Until an apportionment shall be made and elections held under the same, in accordance with the first enumeration to be made as directed in this article, the representation in the Senate and House of Representatives shall be and remain as at present established by law.

The limits of the Parish of Orleans are hereby extended so as to embrace the whole of the present city of New Orleans, including that part of the Parish of Jefferson formerly known as the city of Lafayette.

All that part of the Parish of Orleans which is situated on the left bank of the Mississippi river shall be divided by the Legislature into not more than ten Representative Districts; and until a new apportionment shall be made according to the first census to be taken under this Constitution, that part of the city of New Orleans which was comprised within the former limits of the city of Lafayette shall be attached to, and form a part of, the First Representative District, and the other Representative Districts shall remain as they are now established.

Art. 15. The Legislature, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No Parish shall be divided in the formation of a Senatorial District, the Parish of Orleans excepted. And whenever a new Parish shall be created, it shall be attached to a Senatorial District from which most of its territory was taken, or to another contiguous District, at the discretion of the Legislature, but shall not be attached to more than one District. The number of Senators shall be thirty-two, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several Districts. *Provided*, That no Parish shall be entitled to more than one-eighth of the whole number of Senators.

Art. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the result produced by this division shall be the Senatorial ratio entitling a Senatorial District to a Senator. Single or contiguous Parishes shall be formed into Districts having a population, the nearest possible to the number entitling a District to a Senator; and if, in the apportionment to be made, a Parish or District fall short of or exceed the ratio one-fifth, then a District may be

formed having not more than two Senators; but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment.

After an enumeration has been made as directed in the (eighth) article, the Legislature shall not pass any law until an apportionment of representation in both Houses of the General Assembly be made.

On motion, 200 copies of the above report were ordered to be printed.

Mr. Stuart moved to reconsider the vote given on the article offered by Mr. Benjamin, on Friday, the 16th inst., in reference to the lands granted by Congress to the State.

Mr. Parham moved to lay the motion on the table, subject to call, which motion prevailed.

Mr. Roman, on behalf of the majority of the Committee on General Provisions, submitted the following report:

The Committee on General Provisions, to whom were referred articles 113, 114, 121, 122, 123, 124 and 125, and various resolutions relative to internal improvements and the swamp lands, conveyed by the United States to this State, submit the following report:

Art. 113. The credit of the State shall not, in any manner, be loaned to or given in aid of any individual association or corporation, except those exclusively instituted for purposes of internal improvements within the limits of State, and the faith of the State shall not be pledged for the benefit of any such corporation or joint stock company for more than one-fifth of the capital thereof, nor shall bonds be given or payments be made but in the same ratio of the capital actually paid in by the stockholders.

Art. 114. No liability shall be contracted by the State as above mentioned, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein, which shall not take effect until it shall at a general election, have been submitted to the people, and have received a majority of all the votes cast for or against it, at such election; and the aggregate amount of debts or liabilities hereafter incurred, under this and the preceding article, shall not at any one time, exceed the sum of eight million of dollars.

Art. 121. To be stricken out.

Art. 122. Corporations with banking or discounting privileges may be either created by special acts or formed under general laws, but the Legislature shall in both cases provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

Art. 123. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation, issuing bank notes of any description.

Art. 124. In case of insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Art. 125. The Legislature shall have power to pass such laws as it may deem expedient for the relief or revival of the Citizens Bank of Louisiana, and the acts already passed for the same purpose are ratified and confirmed.

#### TITLE VII.

##### INTERNAL IMPROVEMENTS.

Art. —. There shall be a Board of Public Works, to consist of four Commissioners. The State shall be divided in-



to four Districts, containing as nearly as may be, an equal number of voters, and one Commissioner shall be elected in each District for the term of four years; but of the first elected, two, to be designated by lot, shall remain in office for two years only.

Art. —. The General Assembly at its first session after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners of the organization of the Board. The Commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

Art. —. The Commissioners shall exercise a diligent and faithful supervision of all public works in which the State may be interested. They shall communicate to the General Assembly, from time to time, their views concerning the same, and recommend such measures as they may deem necessary, in order to employ to the best advantage and for the purposes for which they were granted, the swamps and overflowed lands, conveyed by the United States to this State. They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

Art. —. The Commissioners may be removed by the concurrent vote of a majority of all the members elected to each House of the General Assembly, but the cause of the removal shall be entered on the journal of each house.

Art. —. The General Assembly shall have power, by a vote of three-fifths of the members elected to each house, to abolish said Board, whenever, in their opinion, a Board of Public Works shall no longer be necessary.

The several resolutions and articles referred, in relation to free persons of color, and slaves, have been examined with attention, and in the opinion of a majority of the Committee, the public interest does not require that any article relating to those subjects should be inserted in the Constitution.

(Signed)

A. B. ROMAN, Chairman.

On motion of Mr. Sandidge, five hundred copies of the above report were ordered to be printed, and was made the special order of the day for Thursday, the 22d inst.

Mr. Richardson, of St. Mary, offered the following resolution:

*Resolved*, That from and after this date, in addition to its morning sessions, this Convention will hold evening sessions, commencing at 6 o'clock P. M.

Mr. Castellanos moved to lay the resolution on the table.

On said motion Mr. Richardson, of St. Mary, called for the yeas and nays, which resulted as follows:

Messrs. Besancon, Beale, Beard, Boyer, Bullard, Buisson, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Douglass, Duffel, Hatch, Harris, Herron, Hebert, Hodges, Jennings, King of Jackson, Leeds, Lyle, McIlhenny, Matthews of Point Coupec, Moss, Monge, Olivier of St. Mary, Pujo, Ronquillo, Smart, Swazey, Scarborough, Simms, Tolbert, Todd, Waddill and Whittington—38 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Addison, Bernard, Bienvenu, Brother, Boudousquie, Byrne, Collens, Dalferes, Declouet, Dorsey, Leefe, LeBlanc, Lobdell, McMillen, Martin, Nicholls, Olivier of St. Martin, Parham, Palfrey, Paxton, Preaux, Pierce, Reeves, Richardson of O., Richardson of St. Mary, Rixner, Dosson, Dugue, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Hough, Isaacks, Jourdan, Jones, Key, King of St. Landry, Lapeyre, Risk, Roman, Roysden, Robinson, Sandidge, St.

Paul, Shelton, Smith of Winn, Sibley, Stewart, Tatman, Taliafero, Thibodaux, Thompson, Van Wickle and Villere—62 nays.

Consequently the motion was lost; and on a further motion the resolution was adopted.

Mr. Risk offered the following resolution:

*Resolved*, That the Printer to this Convention is hereby authorized to print ——— copies of the Journals and Debates, agreeable to the conditions already imposed by the Convention.

Mr. Risk moved to fill the above blank with the number one thousand.

Mr. Herron moved to amend the motion by inserting the number two thousand in the above blank.

Mr. King, of St. Landry, moved to lay the resolution on the table subject to the call of the Convention, which motion prevailed.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of article 10, as reported by the minority of the Committee on Elective Franchise, which was under consideration, with the amendment offered by Mr. Collens, at the moment of adjournment on Friday, the 16th inst.

The question being on the motion of Mr. Smart to lay the amendment offered by Mr. Collens on the table,

Mr. Cotton called for the yeas and nays on the same, which resulted as follows:

Messrs. Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Cotton, Connely, Dalferes, Dosson, Dugue, Eustis, Farmer, Gardere, Hatch, Harris, Herron, Hebert, Hough, Isaacks, Jennings, Jourdan, Key, Leefe, Leeds, LeBlanc, McIlhenny, McMillen, Matthews of Point Coupec, Moss, Monge, Nicholls, Olivier of St. Martin, Parham, Paxton, Pierce, Pujo, Reeves, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith of Winn, Simms, Stewart, Tatman, Tolbert, Taliafero, Thibodaux, Todd, Villere, Waddill and Whittington—61 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Bernard, Brother, Boudousquie, Buisson, Campbell, Collens, Conrad, Declouet, Dorsey, Douglass, Duffel, Edwards of Washington, Eggleston, Guion, Hodges, Jones, King of St. Landry, Lapeyre, Lobdell, Lyle, Martin, Olivier of St. Mary, Palfrey, Preaux, Rixner, Roman, St. Paul, Swazey, Scarborough, Sibley, Thompson and Wilcoxon—37 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Collens then moved to strike out the following words: "And who shall be a citizen of the United States," and to insert in lieu thereof the following words: "Who shall have been since at least one month a citizen of the United States."

Pending the consideration of the above motion, Mr. Jennings moved to postpone the consideration of the whole subject until the Convention should take into consideration article 3, contained in the report of the majority of the Committee on Electoral Franchise.

The Convention then took up article 3 of the majority report, which reads as follows, to wit:

Article 3. The Legislature shall provide by law for the registry of the names and residence of all qualified voters of the City of New Orleans, and may also provide for the registry of the qualified voters in any parish or town wherein said registry shall be found necessary.

Mr. Jennings moved to insert after the word "Orleans,"



the following words: "At least five days preceding an election."

Mr. Preaux moved to postpone the whole subject matter and to make it the special order of the day for Wednesday, the 21st inst., to be taken up at the evening session.

Pending, Mr. Bienvenu called for the previous question, which was carried.

Mr. Eustis having voted in the majority on the call of the previous question, moved for a reconsideration of the same, which was granted.

The same delegate then offered the following proviso:

"Provided, that the registry of the name shall be free of cost to the elector."

Mr. Besancon moved to lay the whole subject on the table.

On said motion Mr. Cotton called for the yeas and nays, which resulted as follows:

Messrs. Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Carter, Cotton, Dosson, Farmer, Hatch, Herron, Hebert, Hough, Isaacks, King of Jackson, McMillen, Mathews of Point Coupee, Moss, Parham, Paxton, Pierce, Reeves, Richardson of Ouachita, Risk, Robinson, Ronquillo, Sandidge, Smart, Shelton, Smith of Winn, Simms, Stewart, Talbot, Taliafero, Villere, Waddill and Whittington—40 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Armant, Anderson of Carroll, Bernard, Brother, Boudousquie, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Deelouet, Dorsey, Douglass, Dugue, Edwards of Washington, Eustis, Gardere, Guion, Hodges, Jennings, Jourdan, Jones, King of St. Landry, Lapeyre, Leeds, Leefe, Lobdell, Lyle, McIlhenny, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Palfrey, Preaux, Pujo, Richardson of St. Mary, Rixner, Roman, Roysden, St. Paul, Swazey, Scarborough, Tatman, Thibodaux, Thompson, Todd, Van Wickle and Wilcox—54 nays.

Consequently the motion to lay on the table was lost.

The first question before the Convention being on the amendment offered by Mr. Jennings, and the vote being taken on the same, was decided in the affirmative, consequently the amendment was adopted.

The proviso offered by Mr. Eustis being then before the Convention, was also adopted.

Mr. Sandidge moved to strike out the following words, "and may also provide for the registry of the qualified voters in any Parish or Town, wherein said registry shall be found necessary."

Mr. Cotton offered the following proviso, "Provided further that that portion of the City of New Orleans, known as the Fourth District and the Parish of Jefferson, be exempt from the operation of this article."

Mr. Eustis moved to lay the above amendment on the table on said motion the yeas and nays were called, and resulted as follows.

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Bernard, Brother, Boudousquie, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Deelouet, Dorsey, Douglass, Dugue, Edwards of Washington, Eustis, Gardere, Guion, Hodges, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Preaux, Pierce, Pujo, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roman, Roysden, St. Paul, Swazey, Scarborough, Tatman, Thibodaux, Thompson, Todd, Van Wickle, and Wilcox—58 yeas.

And Messrs. Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Carter, Cotton, Dosson, Farmer, Hatch, Herron, Hebert, Hough, Isaacks, Jourdan, LeBlanc, McMillen, Mathews of Point Coupee, Moss, Parham, Reeves, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Villere, Waddill and Whittington—38 nays.

Consequently said motion prevailed, and the amendment was laid on the table.

Pending the consideration of the motion of Mr. Sandidge.

On motion, the Convention adjourned until to-morrow, at 9 o'clock A. M.

TUESDAY, July 20, 1852.

The Convention met pursuant to adjournment.

Present: Hon. D. F. Kenner, President of the Convention, in the chair, and 84 delegates.

The Rev. Mr. Gache opened the proceedings with prayer.

On motion of Mr. Hodges leave of absence was granted to Mr. Davidson, on account of illness.

On motion of Mr. Bullard leave of absence was granted to Mr. Pierson, on account of illness.

Mr. Roysden, on behalf of the minority of the Committee on General Provisions, submitted the following report:

The undersigned, a member of the Committee on General Provisions, dissenting in part, as he does, from the report of the majority, begs leave to submit the following minority report, viz:

The restrictions contained in Articles 113, 114, 121, 122 and 123 in the present Constitution were, in the opinion of the undersigned, the causes that induced the people to demand the present Convention. The other amendments now being made (if, indeed, any amendments shall be made) could well have been postponed until brought about by the ordinary mode of changing the present Constitution. The exigencies of the country seemed to demand that the articles above enumerated should be more speedily stricken from the Constitution, and more liberal provisions ingrafted in their stead.

The undersigned cannot look upon the amendments proposed by the majority of the committee to articles 113, 114, 121 and 122, as much, if any, more liberal, or as meeting the wants of the people, and should the report of the majority of the committee be adopted, and the provisions by them recommended become a part of the new Constitution, the undersigned must believe that this Convention has been called for little or no purpose.

It is true the amendment proposed to article 113 allows the State to pledge its faith in aid of Internal Improvements for one-fifth of the capital stock of any corporation, having that object in view; but this is so trammelled with restraining clauses in this and the next proposed amendment, that the undersigned fears no relief would or could thereby be afforded to the country. Indeed he looks upon article 114 of the present Constitution as preferable to the proposed amendments; by that, some one object of public work, beneficial to the whole State, might be put in operation; by these, he fears no public improvement could even be brought about.



The substitution proposed for article 122 will not, in the opinion of the undersigned, meet the wants of the country. True, it admits of banking; but no bank could, as he believes, except those known as free banks, work under the proposed substitution. Those banks, commonly called chartered banks, could not, in his opinion, operate under the clause.

The proposed substitution might add something to the banking capital of New Orleans, but it would amount to an inhibition to the country parishes, should they ever find it to their interest to have banks.

The undersigned is no advocate either for pledging the faith of the State or for a multiplicity of banking institutions, but he is opposed to so tying up subsequent legislation that the resources of the State cannot be developed, and facilities given to commerce by a proper system of Internal Improvements.

The undersigned, therefore, recommends to this Convention the adoption of the subjoined articles, to be substituted for articles 113, 114 and 121, and that articles 122, 123 and 124 be stricken from the Constitution.

(Signed)

D. F. ROYSDEN.

Article 113. The Legislature shall not pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever, except it be for corporations or joint stock companies which have exclusively for their object Internal Improvements, and then for an amount not to exceed one-fifth of the capital stock subscribed, and the law pledging such faith or credit shall not be binding until the same shall have been passed at two several sessions of the Legislature.

Art 114. The State shall not become subscriber to the stock of any corporation or joint stock company (and in no case to a banking company or company having banking or discounting privileges) to a greater amount than one-fifth of the capital stock thereof, nor shall she be forced or allowed to pay but *pro rata* with the amount actually paid in by the other subscribers. The liabilities of the State under this and the preceding article shall never, at any one time, exceed eight millions of dollars (\$8,000,000).

On motion of Mr. Sandidge 200 copies of the above report were ordered to be printed.

Mr. Isaacks offered the following additional article, which reads as follows, to wit:

"The Supreme Court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June inclusive, and at the town of Opelousas, Alexandria and Monroe, at such time as shall be fixed by law."

On motion of the same delegate the above article was laid over until the report from the Committee on the Judiciary should be taken up for consideration.

Mr. Delony, from the minority of the Committee on General Provisions, submitted the following report:

The undersigned, of the Committee on General Provisions, dissents from any change or alteration of article 113 of the present Constitution; but respectfully offers for the consideration of the Convention the following proviso to said article, or one of similar import, viz:

*Provided*, there is nothing in this article which shall be construed as prohibiting the State from subscribing to stock for railroad or improvement within its limits; and *provided*, also, that any law of the General Assembly au-

thorizing the State to make such subscriptions, shall be first approved by a majority of the voters of the State at a general election.

The undersigned propose the following substitute for article 114, viz:

"The aggregate amount of debts hereafter contracted by the Legislature shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions or suppress insurrections; but the State may be a subscriber, under the provision of the foregoing article, to the stock of any company or corporation, for railroad or other improvements, for an amount not exceeding one-fifth of the capital stock of said company or corporation; *provided*, said subscriptions shall be considered as loans, to be secured by special mortgages on all the works and materials of said companies or corporations."

The following is respectfully offered as a substitute for article 121:

"The State shall not be a subscriber to the stock of any banking corporation or company, nor the owner of any bank stock."

It is further recommended that article 122 be retained, and amended so as to read as follows:

"No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges; except under a *general law* of the Legislature, which shall be first submitted to the people and approved by a majority of the voters of the State."

In view of the amendments herein proposed, there appears to be no good reason why articles 123 and 124 may not be stricken out entirely.

Article 125 is proposed to be amended to read as follows, viz:

"The Legislature shall never grant any exclusive privileges for a longer period than twenty years; *provided* such privileges may be renewed after the expiration of that period."

All of which is respectfully submitted,

(Signed)

EDWARD DELONY,

(Signed)

S. VAN WICKLE.

On motion of Mr. Roysden, 200 copies of the above report were ordered to be printed for the use of this Convention.

Mr. Eustis, from the minority of the Committee on General Provisions, submitted the following report:

The undersigned, of the Committee on General Provisions, to whom were referred articles 113, 114, 121, 122 and 123, 124 and 125, and various resolutions relative to internal improvements, etc., submits the following minority report:

Article 113. The Legislature shall not pledge the faith of the State for the payment of any bonds, bills, or other contracts or obligations for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in payment of its outstanding obligations or liabilities, whether due or not; the said new bonds, however, are not to be issued for a larger amount, or at a higher rate of interest, than the original obligations they are intended to replace.

Art. 114. The aggregate amount of debts hereafter contracted by the Legislature shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions or to suppress insurrections, unless the same be authorized by some law for some single object or works, to be distinctly specified therein, which law shall provide ways and means by taxation for the payment of



running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity of the capital borrowed; said law shall not be put into execution until after its enactment by a majority of all the members elected to each branch of the General Assembly, and its approval by a majority of the qualified electors of the State at the general election next ensuing, and then shall be irrevocable until principle and interest be fully paid and discharged.

Art. 121. The State shall not become subscriber to any stock of any corporation or joint stock company.

Art. 122. Corporations shall not be created in this State by special laws, except for political or municipal purposes; but the Legislature shall provide by general laws for the organization of all other corporations, and shall also provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

The undersigned agrees with the majority with respect to the other articles submitted by them in their report, to wit: articles 123 and 124.

The undersigned agrees also with the majority with respect to the title 7, styled "Internal Improvements" and in their conclusions in relation to the resolutions concerning free persons of color and slaves.

(Signed) GEO. EUSTIS, JR.

On motion, 200 copies of the above report were ordered to be printed.

Mr. Delony, on behalf of the minority of the Committee on Internal Improvements, submitted the following articles for the consideration of the Convention:

#### INTERNAL IMPROVEMENTS.

The General Assembly shall, at its first session after the adoption of this Constitution, create a Levee or Internal Improvement Department, for the purpose of protecting the low lands of this State from inundation, predicated upon a pledge of the swamp lands, which have been donated to the State by the United States; the proceeds of sales of which lands to be used for that purpose only.

And the General Assembly shall make all laws necessary for the sale of said lands, and also enact a general system of levees, dykes, outlets, etc., under the superintendence of engineers or commissioners, or such other officers of this State as they may deem necessary for the protection of said lands. All of which is respectfully submitted by the undersigned.

(Signed) S. VAN WICKLE,  
(Signed) EDWARD DELONY.

On motion of Mr. Simms, 200 copies of the above articles were ordered to be printed for the use of this Convention.

Mr. Thompson offered the following resolution:

*Resolved*, That articles 133, 134, 135, 136, 137, 138 and 139, be referred to the Committee on Public Education.

On motion of the same delegate, the above resolution was referred to the Committee on Public Education, with instructions to report as early as possible.

Mr. King, of St. Landry, moved to take up for consideration the resolution offered by Mr. Risk on yesterday.

Mr. King, of St. Landry, moved to fill the blank contained in said resolution by inserting "two thousand copies in English and one thousand in French," which was lost.

Mr. Risk moved as an amendment to insert "one thousand copies."

Mr. Cotton moved as a sub-amendment to insert "one hundred and fifty."

The question being taken on the amendment offered by Mr. Risk, said amendment was adopted.

Mr. Smart moved to strike out "one thousand," as amended by Mr. Risk, and to insert "eight hundred copies in English and four hundred in French," which was lost.

Mr. Preaux moved to strike out "one thousand," and to insert in lieu thereof "one thousand copies in English and five hundred in French," which was accepted by Mr. Risk, and the resolution as amended being read, was on motion adopted, as follows:

*Resolved*, That the Printer to this Convention is hereby required to print one thousand copies in English and five hundred copies in French of the Journals and debates of the Convention. The English and French to be published in separate volumes.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of the article in relation to the Registry law, as reported by the majority of the Committee on the Electoral Franchise, which was under consideration on yesterday when the Convention adjourned.

Mr. Preaux moved to postpone the consideration of the same until to-morrow, which motion was lost.

The Convention then took up said article, and the question being on the motion of Mr. Sandidge to strike out the following words, to-wit: "And may also provide for the registry of the qualified voters in any Parish or town wherein said registry shall be found necessary."

On the adoption of the above amendment, Mr. Richardson, of Ouachita, called for the yeas and nays, which resulted as follows:

Messrs. Addison, Besancon, Beale, Beard, Boyer, Bullard, Carter, Campbell, Cotton, Connely, Conrad, Dalferes, Delony, Deelouet, Dosson, Douglass, Duffel, Edwards of Washington, Farmer, Hatch, Harris, Hargis, Herron, Herbert, Hough, Hodges, Hunt, Isaacks, Jourdan, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, Lobdell, LeBlanc, McIlhenny, McMillen, Mathews of Point Coupee, Moss, Monge, Olivier of St. Mary, Olivier of St. Martin, Parham, Paxton, Pierce, Phillips, Reeves, Richardson of Ouachita, Risk, Roysden, Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Thompson, Todd, Van Wickle, Villere, Waddill, Whittington and Wileoxon—70 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Bernard, Brother, Boudousquie, Buisson, Byrne, Castellanos, Collens, Dugue, Eggleson, Gardere, Guion, Jennings, Jones, Key, Lyle, Martin, Palfrey, Preux, Richardson of St. Mary, Rixner, Roman, Robinson, St. Paul, Swazey, Shaw, Tatman, Thibodaux—32 yeas.

Consequently the motion prevailed, and the words were stricken out.

Mr. Cotton moved to strike out in the article the word "shall," and to insert in lieu thereof the word "may."

Mr. King, of St. Landry, moved to lay the amendment on the table; on said motion

Mr. Phillips called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Brother, Boudousquie, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Deelouet,



Douglass, Dugue, Duffel, Edwards of Point Coupee, Eggleston, Gardere, Harris, Hargis, Hodges, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Martin, Monge, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Pujo, Rixner, Risk, Roman, Roysden, Swazey, St. Paul, Shaw, Scarborough, Smith of West Feliciana, Tatman, Thibodaux, Thompson and Wilcoxon—55 yeas.

And Messrs. Addison, Besancon, Bernard, Beale, Beard, Boyer, Bullard, Byrne, Carter, Cotton, Dalferes, Delony, Dosson, Farmer, Guion, Hatch, Herron, Hebert, Hough, Isaacks, Jourdan, King of Jackson, LeBlanc, McMillen, Mathews of Point Coupee, Moss, Parham, Pierce, Phillips, Reeves, Richardson of St. Mary, Richardson of Ouachita, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Todd, Van Wickle, Villere, Waddill and Whittington—48 nays.

Consequently the motion prevailed and the amendment was laid on the table.

Mr. King, of Jackson, moved to insert, at the end of the "proviso" offered by Mr. Eustis, the following words: "and free to the State."

Mr. Hunt offered the following substitute to the article:

"Laws shall be made for ascertaining by proper proof the citizens who shall be entitled to the right of suffrage hereby established."

Mr. King, of St. Landry, called for the previous question, which was carried.

The first question being on the substitute offered by Mr. Hunt, the same was laid on the table.

The question being then on Mr. King's (of Jackson) proposition, the same was laid on the table.

The following named delegates asked and obtained leave to have their votes recorded in favor of the proposition of Mr. King, of Jackson, viz: Messrs. Carter, Hatch, Addison and Jourdan.

On motion to adopt the article as amended, and which reads as follows, to-wit:

"The Legislature shall provide by law for the registry of the names and residence of all qualified voters of the city of New Orleans."

Mr. Smart called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Brother, Boudousquie, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dugue, Duffel, Edwards of Point Coupee, Eggleston, Eustis, Gardere, Harris, Hodges, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Martin, Monge, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Preaux, Pujo, Rixner, Risk, Roman, Roysden, St. Paul, Swazey, Shaw, Scarborough, Smith of West Feliciana, Tatman, Thibodaux, Thompson and Wilcoxon—57 yeas.

And Messrs. Addison, Besancon, Bernard, Beale, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Dosson, Farmer, Guion, Hatch, Hargis, Herron, Hebert, Hough, Isaacs, Jourdan, King of Jackson, LeBlanc, Mathews of Point Coupee, Moss, Parham, Paxton, Phillips, Reeves, Richardson of Ouachita, Richardson of St. Mary, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith of Winn, Sibley, Simmes, Stewart, Talbot, Taliaferro, Todd, VanWickle, Villere, Waddill and Whittington—46 nays.

Consequently the motion prevailed, and the article as amended was adopted.

Mr. Jourdan presented the following as his reasons to vote against the above article, and asked that the same should be spread upon the journal, which was granted.

I vote nay because I am of the opinion that the word *shall* is imperative, and is restrictive upon the people, and the whole matter is legislation.

JOURDAN, of Jefferson.

The Convention then took up for consideration, the article reported by the minority of the Committee on the Electoral Franchise, with the amendment offered to the same by Mr. Collens, which reads as follows, to wit:

Who shall have been since, at least one month a citizen of the United States.

On motion to lay the above amendment on the table, Mr. Herron called for the yeas and nays, which resulted as follows:

Messrs. Avery, Andrews, Anderson of Carroll, Addison, Besancon, Beale, Boyer, Bullard, Buisson, Byrne, Carter, Cotton, Dalferes, Delony, Declouet, Dosson, Dugue, Duffel, Edwards of Washington, Eustis, Farmer, Gardere, Hatch, Harris, Hargis, Herron, Hebert, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King of St. Landry, Leefe, Leeds, LeBlanc, McIlhenny, McMillen, Mathews of Point Coupee, Moss, Monge, Olivier of St. Martin, Parham, Paxton, Pierce, Phillips, Pugo, Reeves, Richardson of Ouachita, Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Thompson, VanWickle, Villere, Waddill, Whittington and Wilcoxon—71 yeas.

Messrs. Anderson, of St. Landry, Akenhead, Armant, Bernard, Brother, Boudousquie, Castellanos, Campbell, Collens, Connely, Conrad, Eggleston, Guion, Hough, Hodges, Lapeyre, Lobdell, Lyle, Martin, Olivier, of St. Mary, Palfrey, Preaux, Rixner, Roman, St. Paul, Swazey, Shaw, Scarborough, Tatman, Thibodaux, Todd.—31 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Sandidge offered the following proviso to be inserted after the word "voting."

*Provided*, That no person shall be deprived of the right of voting for district officers, in the parish of his residence, when he has been a citizen of the District for the length of time prescribed in this article.

On motion of Mr. Hunt, the above proviso was laid on the table.

Mr. Sandidge asked and obtained leave to have his vote recorded, and voted against the motion of Mr. Hunt to lay the proviso on the table.

The article being read as follows, to wit, was, on motion, adopted.

Art. —. Every free white male who has attained the age of twenty-one years, and who has been a resident of the State twelve months next preceding the election, and the last six months thereof in the parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting. Electors shall in all cases except treason, felony, breach of surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections. *Provided*, that no voter shall lose his right of voting in any Parish until the same shall be acquired in another.

Mr. Preaux presented the following as his motives for voting in favor of the motion of Mr. Collens, which requires that a naturalized citizen should be at least one month a citizen of the United States before having the



right of voting; and also on the article making it imperative on the Legislature to pass a Registry Law.

I vote *yea* because those articles are not intended as a restriction against naturalized citizens, but are only imposed to prevent the numerous frauds which were formerly perpetrated, and to protect the ballot box and to purify the electoral franchise, and remove incentives to fraudulent naturalizations only.

(Signed)

ROBERT PREAUX.

Mr. Collens offered the following resolution, which, on being read, was, on motion, referred to the Committee on Style.

*Resolved*, That the several articles and clauses in the Constitution relative to the elective franchise be united under one head, and do form a separate title.

The Convention took up for consideration as the special order of the day the report of the Committee on the Judiciary.

On motion of Mr. Hunt, the above report was laid on the table subject to the call of the Convention.

Mr. Leeds moved to take up for consideration Title 8 of the Constitution under the head of "Mode of Revising the Constitution," which motion prevailed.

On motion of Mr. King, of St. Landry, the Convention took up as a substitute to Title 8 of the Constitution, the Article reported by the Committee on Amendments to the Constitution, which reads as follows:

Article ——. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by *two-thirds* of the members elected to each House, and approved by the Governor, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election for Representatives to the State Legislature, in at least one newspaper in French and English in every parish in the State in which a newspaper shall be published; and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of the Constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

Mr. Collens offered the following amendment, to be added at the end of the above article, to wit:

The Legislature may at any time by a majority of two-thirds, approved by the Governor and by a majority of the people, call a Convention to frame a new Constitution.

On motion, the amendment was laid on the table.

Mr. Phillips moved to amend the article by striking out two-thirds and inserting "three-fifths."

Mr. King, of St. Landry, called for a division of the question, which, on being taken on the striking out, was lost.

Mr. Taliaferro moved to strike out in the third line the following words: "and approved by the Governor."

Mr. King, of St. Landry, moved to lay the amendment on the table, which was carried.

On motion, the article as reported by the Committee on Amendments to the Constitution, was adopted without amendment.

Mr. Phillips then moved to take up the Report of the Committee on the Judiciary.

The Convention took into consideration Article 62 which reads as follows, to wit:

"The Judicial power shall be vested in a Supreme Court, in such inferior Courts as the Legislature may from time to time order and establish, and in Justices of the Peace."

Mr. Eggleston moved to strike out the word "order" and to insert in lieu thereof "ordained," which motion was lost.

Mr. Olivier, of St. Mary, moved to insert after the words "Supreme Court" the following words: "District Courts."

Mr. Hunt moved to lay the amendment on the table, which was carried.

Mr. Castellanos moved to lay the above report on the table, subject to the call of the Convention, which motion was lost.

On motion of Mr. Hunt, the article was adopted without amendment.

The 63d article was then taken up and read as follows, to wit:

Article 63. The Supreme Court, except in the cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars; to all cases in which the constitutionality or legality of any tax, toll, or impost whatsoever, or of any fine, forfeiture, or penalty imposed by a Municipal Corporation, shall be in contestation; and to all criminal cases on questions of law alone, whenever the offence charged is punishable with death, or imprisonment at hard labor, or when a fine exceeding three hundred dollars is actually imposed. The Legislature shall have power to restrict the jurisdiction of the Supreme Court in civil cases to questions of law only.

Mr. Lobdell moved to strike out the last clause, which reads as follows: "The Legislature shall have power to restrict the jurisdiction of the Supreme Court in civil cases to questions of law only."

Mr. Herron moved as a sub-amendment to insert after the word "only" in the second line the following words: "And in cases tried by a jury on questions of law only."

Mr. Swazey moved to lay both amendments on the table, which motion prevailed.

Mr. Eggleston offered the following article as a substitute to the above article:

Article 63. The Supreme Court, except in the cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases, when the matter in dispute shall exceed three hundred dollars, and to all cases in which the constitutionality or legality of any tax, toll or impost, shall be in issue, and to all cases in which any fine, forfeiture or penalty imposed by a Municipal Corporation shall be in contestation, whatever may be the amount thereof; and to all criminal cases on questions of law alone, whenever the offence is punishable with death or imprisonment at hard labor, or when a fine exceeding three hundred dollars is actually imposed. The Legislature shall have power to restrict the jurisdiction of the Supreme Court in all cases to questions of law only.

On motion of Mr. Hunt, the substitute was laid on the table, and on a further motion, the article was adopted without amendment.

Mr. Key having voted in the majority on the motion to adopt the resolution offered yesterday by Mr. Richardson, of St. Mary, concerning the Evening Sessions, moved for



a reconsideration of the same, which was granted.

On motion of the same delegate the above named resolution was repealed.

And on motion the Convention adjourned until to-morrow at 9 o'clock, A. M.

WEDNESDAY, July 21, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Harmond opened the proceedings with prayer.

Present : Hon. D. F. Kenner, President of the Convention, in the chair, and 104 delegates.

Mr. Taliaferro, from the minority of the Committee on the Legislative Department, submitted the following report :

The undersigned, members of the Committee on the Legislative Department, to whom was referred articles 8, 15 and 16 of the Constitution, being unable to concur with the majority of the committee, respectfully ask leave to submit this their separate report—

We dissent from the views of the majority, chiefly as regards the proper basis of representation. The majority of the committee recommend as a basis the total population of the State. This basis, then, includes the slave population and the free people of color. The minority of the committee cannot, as a basis of representation, recognize as persons slaves and free people of color. Slaves, under our institutions, have no political existence. We cannot, therefore, in this connection, recognize them in any other character than as constituting property ; and we object to the introduction of property as a basis of representation in either branch of the Legislature, and more especially in the more numerous branch. We respectfully submit that a basis thus formed of the total population will, if adopted, be an unequal basis. We object to it on the ground that it is contrary to the genius of republican institutions, because it infringes that perfect equality in political rights that should exist among the people who constitute the governing power—because it is founded upon a fallacious mode of reasoning, and because, if adopted, it will be a source of dissatisfaction and complaint among the people. It is of the essence of republicanism that every free citizen should stand, as regards political rights, on terms of perfect equality with every other free citizen of the same community. In the councils of the State the will and the wants of every free citizen should be equally heard and have equal weight and influence. Upon the basis of white population, or upon the electoral basis, we can, in our opinion, confer that equality more fully than by any other method that can be adopted. But that equality cannot be obtained by the basis of the total population. This, we believe, may easily be shown. For example : By the census of 1850, the Parish of Tensas contains a population of nine hundred whites and eight thousand one hundred and thirty-eight slaves : in the whole, nine thousand and forty.

The Parish of Concordia has, by the enumeration of 1850, a white population of eight hundred and twenty-three, and a slave population of six thousand nine hundred and thirty-four, in all seven thousand seven hundred and fifty-eight.

Assuming the number of Representatives to be one hundred, and estimating by the same census, we shall find that these Parishes together do not contain, upon the white basis, a population sufficient to entitle them collectively to one Representative, and they would only have Representatives on the principle that every Parish shall be entitled to at least one Representative. But by adopting the basis of total population, the Parish of Tensas would be entitled to two Representatives, and the Parish of Concordia would approximate very nearly to two. By the basis of the whole population, the Parishes of Claiborne and Bienville, the former having a white population of four thousand nine hundred and forty-nine, and the latter of three thousand six hundred and twenty-three, would be entitled each to only one Representative.

Here, then, we see that the white population of Tensas and Concordia, amounting only to seventeen hundred and twenty-three, has more power and influence in the House of Representatives than the white population of Claiborne and Bienville, amounting to eight thousand five hundred and seventy-two. Claiborne has one thousand and seventy-nine voters, and Bienville seven hundred and sixty-seven, making, in both Parishes, one thousand eight hundred and forty-six voters.

In the Parish of Tensas there are three hundred and thirty voters, and in Concordia two hundred and eighty, making, in these two Parishes, six hundred and ten. Then, six hundred and ten voters in Tensas and Concordia would have more weight and influence in the House of Representatives than one thousand eight hundred and forty-six voters in Claiborne and Bienville would have, because the Parishes last named would have only two Representatives, and the Parishes of Tensas and Concordia would have three.

The principle that property should be represented as well as persons, we hold to be fallacious and inapplicable to the condition of things that exist in this country. In England, where there are distinctly organized classes, where the society is composed of different orders clearly defined ; where all the property owners are found in one or two classes, and in another class a very large portion of the people, who own no property and who can never become proprietors of real estate, this doctrine prevails and doubtless in that country it holds good ; for it is reasonable that under such an organization of society, the rights of property should be guarded against legislative encroachments by those who have no interest in its protection. But a different state of things exists in Louisiana. In the State at large (leaving out New Orleans) we may safely assume that a majority of the voters are property owners. A large portion of them are owners of land or slaves, or of both land and slaves. Under the fostering influence of our liberal institutions, it is within the reach of every man to acquire an ownership in every species of property. Accordingly, we find that a very large number do own land or slaves or both. The man who owns a small plantation or tract of land, which he is cultivating and improving as his home for himself and his posterity, and who may or may not own a few slaves, feels as much interest in the enactment of laws for the preservation and protection of property, as the most wealthy planter in the State. Then, as this common interest arising from the ownership of land and slaves, is the great preponderating interest of the State and must obviously continue so to be, where is the necessity for this separate element of representation ? Why establish



a basis of representation that manifestly introduces an inequality between parishes and between the citizens of different parishes? But, if property is to be represented, why limit the principle to slave property alone? Why not include lands and houses and lots and every other species of property? It is clearly an unequal basis, in this view of the subject. Why should not the owner of lands, worth ten thousand dollars, or houses and lots worth that sum, have his property represented as well as the owner of slaves, valued at the same amount, have his slaves represented? The land or the houses and lots may yield revenue in the way of rents, and thereby become a productive property as well as slaves. Many citizens of Louisiana own land who own no slaves, and there is a very large number of slaves in Louisiana whose owners are not citizens of the State. In any view that we can take of the basis of the total population, it seems to the minority of the committee objectionable, and that it should not prevail. In revising the organic law, the Convention should avoid the adoption of any principle calculated to produce local or sectional prejudices in relation to State legislation, and we are of opinion that the introduction of the proposed basis of representation would have that effect. Although objectionable in either branch, it is more so when introduced into both branches. In view, however, of the difficulties arising from this vexed question, the minority of the committee recommend that the basis of representation now existing be re-adopted.

[Signed]

JAMES G. TALIAFERRO.

Without concurring in all the reasons assigned by Judge Taliaferro, for his opposition to the report of the majority, I yet unite with him in recommending the adoption of the basis of representation fixed in the Constitution of 1845, and shall give my reasons therefor when the subject comes up for consideration.

[Signed]

GEO. M. SANDIDGE.

On motion of Mr. Cotton two hundred copies of the above report were ordered to be printed.

Mr. Hargis offered the following resolution :

*Resolved*, That no member of this Convention shall be eligible to the office of Judge of the Supreme Court until the expiration of two years from the adoption of the new Constitution.

The same delegate moved to lay the above resolution on the table, subject to the call of the Convention, which motion was lost.

Mr. Castellanos moved to lay the above resolution on the table indefinitely, which motion was adopted, and the resolution laid upon the table indefinitely.

## ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of the report of the Committee on the Judiciary.

The 64th article being before the Convention,

Mr. Benjamin offered the following additional article, to be inserted after the 63d article, as reported by the Committee on the Judiciary, to-wit :

Article —. The Supreme Court, whenever it shall set aside the verdict of a jury in civil cases, shall not proceed to render final judgment, but shall remand the cause for a new trial.

Mr. Eggleston moved to lay the above article on the table.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Ar-

mant, Bradford, Bernard, Bienvenu, Brother, Bullard, Campbell, Collens, Connely, Delony, Dufour, Eggleston, Eustis, Guion, Key, Leeds, Lobdell, Martin, Nicholls, Olivier of St. Mary, Palfrey, Patterson, Pierson, Pujo, Richardson of Ouachita, Rixner, Risk, Ronquillo, Robinson, Richardson of St. M., Smart, Swazey, Scarborough, Shelton, Smith of Winn, Sibley, Thibodaux, Tatman, Todd, Van Wickle, Villere and Waddill—45 yeas.

And Messrs. Anderson of Carroll, Addison, Benjamin, Beale, Beard, Boudousquie, Buisson, Byrne, Castellanos, Carter, Cotton, Dalferes, Declouet, Dosson, Douglass, Dugue, Duffel, Edwards of Washington, Gardere, Hatch, Hays, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, Lapeyre, Leece, LeBlanc, Lyle, Moss, Monge, Parham, Paxton, Price, Pierce, Pugh, Reeves, Roselius, Roman, Roysden, Sandidge, Shaw, Smith of West Feliciana, Stewart, Talbot, Taliaferro, Thompson, Whittington and Wilcoxon—53 nays.

Consequently the motion to lay on the table was lost.

Mr. Dufour moved to insert after the words "civil cases" the following words : "on matters of fact," which amendment was accepted by Mr. Benjamin.

Mr. Connely called for the previous question, which was carried.

The question was then put by the President on the adoption of the article.

On motion the yeas and nays were called for, and resulted as follows :

Messrs. Anderson of Carroll, Addison, Benjamin, Beale, Boudousquie, Buisson, Byrne, Carter, Campbell, Cotton, Dalferes, Declouet, Dosson, Douglass, Dugue, Duffel, Edwards of Washington, Farmer, Gardere, Hatch, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, Leece, LeBlanc, Lyle, McIlhenny, McMillen, Parham, Patterson, Price, Pierce, Pugh, Reeves, Roselius, Roman, Roysden, Robinson, Sandidge, Shaw, Scarborough, Shelton, Smith of West Feliciana, Stewart, Talbot, Taliaferro, Thompson, Van Wickle, Whittington and Wilcoxon—56 yeas.

And Messrs. Akenhead, Avery, Andrews, Bradford, Bernard, Beard, Bienvenu, Brother, Boyer, Bullard, Collens, Connely, Delony, Dufour, Eggleston, Eustis, Guion, Isaacks, Key, Lapeyre, Leeds, Lobdell, Mathews of Orleans, Marrero, Martin, Moss, Monge, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Preaux, Pierson, Pujo, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Ronquillo, St. Paul, Smart, Swazey, Smith of Winn, Tatman, Thibodaux, Todd, Villere and Waddill—48 nays.

Consequently the additional article, as amended, was adopted.

Mr. Martin having voted with the majority on the motion to adopt article 63, reported by the same committee, moved for a reconsideration of the same, which motion was lost.

The 64th article, reported by the Committee on the Judiciary, was then taken up and read as follows :

Article 64. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of six thousand dollars, and each of the Associate Justices a salary of five thousand five hundred dollars annually, until otherwise provided by law. The Court shall appoint its own Clerks. The Judges shall be elected for the term of ten years.

Mr. McMillen offered the following as a substitute to the same :



Substitute for Article 64. The Supreme Court shall be composed of one Chief Justice and two Associate Justices, any two of whom shall form a quorum. The number of Justices may, however, be increased by the General Assembly. The Chief Justice shall be elected for the term of six years, and the Associate Justices for four years. They shall receive for their services a compensation which shall be fixed by law, which shall not be increased or diminished during their term of office. The Court shall appoint its own Clerks.

Mr. Connely moved to lay the above substitute on the table.

On said motion Mr. Richardson, of Ouachita, called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St Landry, Akenhead, Avery, Bradford, Benjamin, Bernard, Brother, Boudousquie, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Da'feres, Declouet, Dufour, Dugue, Duffel, Edwards of Washington, Eggleston, Eustis, Gardere, Hayes, Hernandez, Hunt, Jennings, Jones, Key, King of St Landry, Lapeyre, Leece, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Moss, Monge, Nicholls, Olivier of St Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pujo, Pugh, Reeves, Richardson of St Mary, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, St. Paul, Staes, Shaw, Smith of West Feliciana, Stewart, Tatman, Thibodaux, Villere, Waddill, Whittington and Wilcoxon—74 yeas.

And Messrs. Anderson of Carroll, Addison, Beard, Bullard, Cotton, Dosson, Douglass, Farmer, Harris, Hargis, Herron, Hough, Hodges, Isaacks, King of Jackson, McMillen, Pierce, Richardson of Ouachita, Roysden, Sandidge, Smart, Swazey, Scarborough, Shelton, Smith of Winn, Talbot, Taliaferro, Thompson, Todd and Van Wickle—30 nays.

Consequently the motion prevailed, and the substitute was laid on the table.

Mr. Cotton then offered the following as a substitute for the above article :

Article 64. The Supreme Court shall be composed of one Chief Justice and two Associate Justices, a majority of whom shall constitute a quorum. The said Judges shall receive each an equal salary to be fixed by law, which shall not be increased or diminished during their term of office. The Judges shall be elected by the qualified electors of the State at large for the term of six years.

On motion the same was laid on the table.

Mr. Herron then offered the following substitute which was, on motion, laid on the table :

Article 64. The Supreme Court shall be composed of five Judges, a majority of whom shall constitute a quorum. The Court shall appoint its own Clerks ; the Judges shall be elected for the term of six years.

Mr. Richardson, of O, moved to amend the article by striking out the word "four," and insert in lieu thereof the word "two."

Pending the consideration of the above motion, on motion of Mr. Benjamin, the Convention took a recess of fifteen minutes.

The time having expired, the Convention was called to order.

Mr. Duffel having voted in the majority on the adoption of the additional article offered by Mr. Benjamin, moved for a reconsideration, which was granted.

The same delegate then moved to lay the article on the table indefinitely.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Bradford, Bernard, Beard, Bienvenu, Brother, Boyer, Bullard, Campbell, Collens, Connely, Conrad, Delony, Dufour, Duffel, Eggleston, Eustis, Guion, Hunt, Isaacks, Key, Lapeyre, Leeds, Lobdell, McIlhenny, Mathews of Orleans, Marrero, Martin, Moss, Monge, Nicholls, Olivier of St. Mary, Palfrey, Preaux, Pierson, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Ronquillo, Robinson, St. Paul, Swazey, Sibley, Tatman, Thibodaux, Todd, Villere and Waddill—51 yeas.

And Messrs. Anderson of Carroll, Addison, Benjamin, Besancon, Beale, Boudousquie, Buisson, Byrne, Castellanos, Carter, Cotton, Dalferes, Declouet, Dosson, Douglass, Dugue, Edwards of Washington, Farmer, Gardere, Hatch, Hayes, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, King of Jackson, Leece, Le Blanc, Lyle, McMillen, Parham, Paxton, Patterson, Price, Pierce, Pugh, Reeves, Roselius, Roman, Roysden, Sandidge, Staes, Smart, Shaw, Scarborough, Shelton, Smith of W. F., Smith of Winn, Stewart, Talbot, Taliaferro, Thompson, Whittington and Wilcoxon.—59 nays.

Consequently the motion to lay on the table was lost.

Mr. Connely moved to postpone the further consideration of the above article until the Convention should have disposed of the balance of the report from the Committee on the Judiciary, which motion was lost.

The question then being on the re-adoption of the additional article offered by Mr. Benjamin, was decided in the affirmative, consequently the article was re-adopted.

The next question before the Convention being the motion of Mr. Richardson of Ouachita to strike out "four" and to insert "two,"

Mr Hunt moved to lay the same on the table.

On said motion Mr. King of Jackson called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Bradford, Benjamin, Bernard, Beale, Bienvenu, Brother, Boudousquie, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Dalferes, Declouet, Dufour, Dugue, Duffel, Eggleston, Eustis, Gardere, Guion, Hatch, Hayes, Harris, Hernandez, Hough, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leece, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of O., Marrero, Martin, Moss, Monge, Nicholls, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pugh, Reeves, Richardson of St. M., Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, St. Paul, Staes, Swazey, Shaw, Smith of W. F., Sibley, Stewart, Tatman, Talbot, Thibodaux, Thompson, Villere, Waddill, Whittington and Wilcoxon—83 yeas.

And Messrs. Addison, Besancon, Beard, Boyer, Bullard, Cotton, Delony, Dosson, Douglass, Edwards of Washington, Farmer, Hargis, Herron, Hodges, Isaacks, King of Jackson, McMillen, Pierce, Richardson of Ouachita, Roysden, Sandidge, Smart, Scarborough, Shelton, Taliaferro, Todd and Van Wickle—29 nays.

Consequently the motion prevailed, and the amendment was laid upon the table.

Mr. Cotton moved to insert after the words "Associate Justices," the following words : "unless otherwise provided by law."

On motion of Mr. Dufour, the above proposition was laid on the table.



Mr. Roysden moved to insert in the first line, after the word "shall," the following words: "until the year 1860."

On motion the amendment was laid on the table.

Mr. Hough offered the following as a substitute to Article 64, reported by the Committee on the Judiciary:

Article 64. The Supreme Court shall be composed of one Chief Justice and 4 Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of five thousand dollars, and each of the Associate Judges a salary of four thousand five hundred dollars annually, until otherwise provided by law. The Court shall appoint its own Clerks. The Judges shall be elected for the term of eight years.

Mr. Hunt moved to lay the substitute upon the table.

On said motion Mr. Swazey called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Bradford, Benjamin, Bernard, Beale, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Dugue, Duffel, Eggleston, Gardere, Guion, Hayes, Hernandez, Hodges, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Marrero, Martin, Monge, Nicholls, Olivier of St. Mary, Parham, Palfrey, Paxton, Preaux, Price, Pierson, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staes, Shaw, Smith of West Feliciana, Sibley, Tatman, Thibodaux, Villere and Whittington—68 yeas.

And Messrs. Addison, Besancon, Beard, Boyer, Carter, Cotton, Dalferes, Delony, Dosson, Douglass, Edwards of Washington, Eustis, Farmer, Hatch, Harris, Hargis, Heron, Hough, King of Jackson, LeBlanc, Moss, Patterson, Pierce, Pugh, Reeves, Richardson of Ouachita, Roysden, Robinson, Sandidge, Smart, Swazey, Scarborough, Shelton, Smith of Winn, Stewart, Talbot, Taliaferro, Thompson, Todd, Van Wickle, Waddill and Wilcoxon—42 nays.

Consequently the motion prevailed, and the substitute was laid on the table.

Mr. Thompson moved to strike out in the last line of the article the word "ten," and to insert in lieu thereof the word "six."

Mr. Hunt called for the previous question, which was lost.

Pending the consideration of the motion of Mr. Thompson,

On motion, the Convention adjourned until to-morrow at 9 o'clock, A. M.

THURSDAY, July 22, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Woodbridge opened the proceedings with prayer.

Present, Hon. D. F. Kenner, President of the Convention, in the chair, and 96 delegates.

On motion of Mr. Bienvenu, leave of absence was granted to Mr. Eustis, on account of illness.

On motion of Mr. Moss, leave of absence was granted to Mr. Phillips, on account of sickness in his family.

Mr. Thibodaux, on behalf of the majority of the Committee on Public Education, submitted the following report:

The Committee on Public Education, to whom has been

referred Title VII of the Constitution, entitled "Public Education," beg leave to report the following as the result of their deliberations and labors, and as a substitute for the whole of articles 133, 134, 135, 136, 137, 138 and 139.

#### TITLE VII.

##### PUBLIC EDUCATION.

Article —. The General Assembly shall establish free Public Schools throughout the State, and shall provide for their support by general taxation on property, or otherwise; and all moneys so raised or provided shall be distributed to each Parish in proportion to the number of children between such ages as shall be fixed by the General Assembly.

Art.— The proceeds of all lands heretofore granted by the United States to this State, for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons, to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent., which interest, together with the interest on the trust funds deposited with this State by the United States, under the act of Congress approved June 23, 1836, and all the rents of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

All money arising from the sales which have been, or may hereafter be made, of any lands heretofore granted by the United States to this State, for the use of a seminary of learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which, at six per cent. per annum, shall be appropriated to the support of a seminary of learning, for the promotion of literature and the arts and sciences; and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said seminary of learning.

All of which is respectfully submitted.

(Signed) BANNON G. THIBODAUX, Chairman.

On motion of Mr. Jennings, 200 copies of the report were ordered to be printed.

Mr. Preaux from the minority of the Committee on Public Education, submitted the following report:

The undersigned, member of the Committee on Public Education, begs leave to report the following as a minority report.

The undersigned thinks that the University of Louisiana has operated well in its several Departments. That the faculty of Law is composed of the best professors, perfectly competent to initiate the students to a true knowledge of the laws of Louisiana, and that it is better to have those who destine themselves to the practice of the legal profession, educated in Louisiana, where they receive an appropriate explanation of our laws and system of jurisprudence. That the same reasons apply to the Medical College. That faculties of sciences and letters, in a very short period will produce scholars, educated in Louisiana, equal to any of the graduates of the northern Universities.

That all the expense necessary for the establishment of said University, has been already made by the State, and many individuals have made donations for the



support of said University, which is now able to support itself without great expense on the part of the State, and consequently the motive of economy (which is a slight one, in the opinion of the undersigned,) cannot even be invoked for the destruction of the said institution. It would be an act of vandalism to destroy what has been done under the Constitution of 1845, towards the culture of elevated science and letters in Louisiana.

The undersigned, is of opinion that the abolition of the Superintendant of the Public Schools would have a bad effect upon all our system of public education, as it will leave the whole system, which must be uniform and general, to the management of local government, without receiving a general impulsion.

The undersigned being of the opinion that public education is the basis of all well organized society, thinks that it naturally finds its place in a Constitution, which is in his opinion nothing more than the social contract of these great societies known under the name of Nations and States.

Therefore the undersigned begs leave to report the Title VII on Public Education, as it stands in the Constitution of 1845. [Signed] ROBERT PREAUX.

On motion of Mr. Gardère. 200 copies of the above report were ordered to be printed.

Mr. Dufour, on behalf of the Committee appointed to revise the French translation of the Constitution, submitted the following report:

The Committee appointed to revise the French translation of the Constitution, beg leave unanimously to report.

They do not think they could with propriety report the present translation for enrollment. The translation of the Constitution into French is a work of great difficulty and requiring a peculiar order of talent. The translator should be a man of some experience, of accurate style and well versed in the technicalities of the English Judicial language. The Convention of 1845, had a special translator for the Constitution, the same course should be again pursued as a matter of high concern. The committee will therefore ask to be authorized to select a fit and competent person, to whom the translation of the new Constitution may safely be committed, and they now offer the following resolution to that effect, viz:

Resolved, That the Committee on Translation, be and are hereby authorized to select and appoint a fit and competent person, whose duty it shall be to translate the Constitution into French, with a salary of four hundred dollars [Signed] CYPRIAN DUFOUR.

The Convention then proceeded to take into consideration the resolution, as reported by the above committee.

And the question being on the adoption of the same,

Mr. Armant moved to strike out the words "four hundred, and to insert in lieu thereof the words "three hundred."

Mr. Staes offered the following resolution:

Resolved, That the Translating Clerk, to be appointed according to the report of the Committee on French Translation, shall be elected by this Convention.

Mr. Connely moved to lay the whole matter on the table, which motion prevailed.

Mr. Dufour, as chairman of the Committee to Revise the French Translation of the Constitution, tendered his resignation, and Messrs. Preaux, Gardere, Lapeyre and Olivier of St. Mary, also resigned as members of said committee.

Mr. Shaw having voted in the majority on the adoption of the article offered on yesterday by Mr. Benjamin, as an additional article to the report of the Judiciary Committee, moved for a re-consideration of the same.

Mr. Roysden moved to lay the motion upon the table, and called for the yeas and nays on his motion, which resulted as follows:

Messrs. Addison, Bartlett, Benjamin, Besaneon, Beale, Boudousquie, Buisson, Byrne, Carter, Cotton, Dalferes, Douglass, Edwards of Washington, Farmer, Gardere, Hatch, Harris, Hargis, Herron, Hough, Hodges, Jennings, Jones, Lyle, Pierce, Reeves, Roselius, Roman, Roysden, Ronquillo, Sandidge, Searborough, Smith of West Feliciana, Stewart, Taliaferro, Thompson and Whittington—37 yeas; and

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of C., Armant, Bradford, Bernard, Beard, Bienvenu, Brother, Bullard, Castellanos, Campbell, Collens, Connely, Conrad, Delony, Deelouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Guion, Hayes, Hernandez, Hunt, Isaacks, Key, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, Lobdell, McIlhenny, McMillen, Mathews of Orleans, Martin, Mather, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier, or St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pujo, Pugh, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Robinson, St. Paul, Staes, Smart, Swazey, Shaw, Shelton, Smith of Winn, Sibley, Tatman, Thibodaux, Todd, Van Wickle, Villere, Waddill and Williams—75 nays.

Consequently the motion to lay on the table was not adopted.

The question then being on the re-consideration of the article was decided in the affirmative; consequently the re-consideration was granted.

Mr. Martin then moved to lay the article on the table.

On said motion, Mr. Searborough called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bernard, Beard, Bienvenu, Brother, Bullard, Campbell, Collens, Connely, Conrad, Delony, Dufour, Duffel, Edwards of Orleans, Eggleston, Guion, Hayes, Hunt, Isaacks, Key, King of Jackson, Lapeyre, Leeds, Lobdell, McIlhenny, Mathews of Orleans, Martin, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Pierson, Pujo, Pugh, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Ronquillo, Robinson, St. Paul, Staes, Swazey, Sibley, Tatman, Thibodaux, Todd, Villere and Waddill.—58 yeas.

And Messrs. Anderson of Carroll, Addison, Bartlett, Benjamin, Besaneon, Beale, Boudousquie, Byrne, Busson, Carter, Cotton, Dalferes, Deelouet, Dosson, Douglass, Dugue, Edwards of Washington, Farmer, Gardere, Hatch, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Jennings, Jones, King of St. Landry, Leefe, Lyle, McMillen, Mather, Parham, Patterson, Price, Pearce, Reeves, Roselius, Roman, Roysden, Sandidge, Smart, Shaw, Scarborough, Shelton, Smith of W. F., Smith of Winn, Stewart, Talbot, Taliaferro, Thompson, Van Wickle and Wilcoxon.—54 nays.

Consequently the article introduced by Mr. Benjamin as additional to the report of the Judiciary Committee, and re-adopted on yesterday, was laid upon the table.

#### ORDER OF THE DAY.

The Convention resumed the consideration of article 64, as reported by the Committee on the Judiciary, and



which was under consideration on yesterday when the Convention adjourned.

The question pending being the motion of Mr. Thompson to strike out "ten" in the last line and to insert in lieu thereof the word "six,"

Mr. Reeves moved, as a sub-amendment, to strike out "ten" and insert "eight."

Mr. Smart moved to insert at the end of the article the following words; "until otherwise provided by law"

Mr. Hunt called for the previous question, which motion prevailed.

The question being on the motion to strike out and insert,

Mr. Jones called for a division of the question, which motion prevailed.

The question being on striking out,

On said motion the yeas and nays were called for, and resulted as follows:

Messrs. Addison, Besancon, Beale, Beard, Carter, Cotton, Dalferes, Delony, Dossen, Edwards of Washington, Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, Isaacks, Jones, King of Jackson, LeBlanc, McMillen, Moss, Paxton, Patterson, Pugh, Reeves, Roysden, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith of W. F., Smith of Winn, Stewart, Talbot, Taliaferro, Thompson, Todd, Waddill and Whittington—41 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Bradford, Bartlett, Benjamin, Bernard, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hayes, Hernandez, Hunt, Jennings, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Preaux, Price, Pierce, Pierson, Pujo, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Swazey, Shaw, Sibley, Tatman, Thibodaux, Villere, Wilcoxon—72 yeas.

Consequently the Convention refused to strike out the words as proposed.

The next question before the Convention being the motion of Mr. Smart, the same delegate called for the yeas and nays on its adoption, which resulted as follows:

Messrs. Akenhead, Addison, Besancon, Beale, Beard, Bienvenu, Carter, Cotton, Dalferes, Deloney, Dossen, Edwards of Washington, Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, Isaacks, King of Jackson, LeBlanc, McMillen, Moss, Paxton, Patterson, Pujo, Pugh, Roysden, Robinson, Sandidge, Smart, Scarborough, Smith of Winn, Stewart, Talbot, Taliaferro, Thompson, Todd and Waddill—40 yeas.

And Messrs. Anderson of St. Landry, Avery, Andrews, Anderson of Carroll, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hayes, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Preaux, Price, Pierce, Pierson, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staes, Swazey, Shaw, Smith of West

Feliciana, Sibley, Tatman, Thibodaux and Wilcoxon—71 yeas.

Consequently the motion of Mr. Smart was rejected.

Mr. Jennings offered the following additional article to come in after article 64 of the Report of the Committee on the Judiciary:

Article —. The Judges of the Supreme Court shall be citizens of the United States, over the age of thirty years, and shall have resided in the State and practised law therein at least six years preceding their election. That the General Assembly shall be required to provide for the qualifications of the Judicial officers, eligible under this Constitution.

The question being on the adoption of the above article, it was decided in the negative.

The Convention took up article 65 of the Report of the Judiciary, which reads as follows, to wit:

Article 65. The Chief Justice shall be elected by the qualified electors of the State. The Legislature shall divide the State into four districts, and the qualified electors of each district shall elect one of the Associate Justices. The State to be divided into the following districts until the Legislature shall otherwise direct: First District, Second District, Third District, Fourth District.

On motion of Mr. Herron the article was adopted, and that part of the article which relates to the districting of the State, was referred to a committee, to be composed of three delegates from each Congressional District.

The following articles, as reported by the Committee on the Judiciary, were then taken up, and being read, were, on motion, severally adopted.

Article 66. The office of one of the Associate Justices shall be vacated at the expiration of the second year, of another at the expiration of the fourth year, of a third at the expiration of the sixth year, and of the fourth at the expiration of the eighth year—so that one of the Judges of the Supreme Court shall be elected every second year.

Art. 67. The Secretary of State, on receiving the official returns of the first election, shall proceed immediately, in the presence and with the assistance of two Justices of the Peace, to determine by lot among the four candidates having the highest number of votes in the respective districts, which of the Associate Justices elect shall serve for the term of two years, which shall serve for the term of four years, which for the term of six years, and which for the term of eight years; and the Governor shall issue commissions accordingly.

Art. 68. Any vacancy that may occur in the Supreme Court from resignation or otherwise, shall be filled by election: Provided, That if the unexpired term do not exceed one year, the vacancy shall be filled by Executive appointment.

On the 69th article being read as follows, to wit:

Article 69. The Supreme Court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

Mr. Isaacks offered as a substitute to the above article the article introduced by him on the 20th inst.

Mr. Swazey moved to lay the substitute on the table.

On said motion Mr. Isaacks called for the yeas and nays, which resulted as follows:

Messrs. Akenhead, Avery, Andrews, Armant, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Brother,



Boudousquie, Ballard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Conrad, Delony, Declouet, Dufour, Dugue, Duffel, Edwards of Washington, Eggleston, Gardere, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hernandez, Hodges, Hunt, Jennings, Jones, King of St. Landry, Lapeyre, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Parham, Palfrey, Paxton, Preaux, Price, Pierce, Pierson, Pujo, Pugh, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, Staes, Swazey, Shaw, Smith of W. F., Tatman, Taliaferro, Thibodaux, Thompson, Todd, Villere and Wilcox—84 yeas.

And Messrs. Anderson of St. Landry, Anderson of Carroll, Besancon, Beard, Dosson, Farmer, Hough, Isaacks, King of Jackson, McMillen, Patterson, Smart, Scarborough, Shelton, Smith of Winn, Sibley, Waddill and Whittington—18 nays.

Consequently the substitute offered by Mr. Isaacks was laid upon the table.

Mr. Taliaferro moved to strike out all after the word "inclusive," and to insert the following words: and at Baton Rouge during the rest of the year, until otherwise directed by law."

On motion of Mr. Swazey, the above amendment was laid on the table.

On motion, the article 69 was adopted without amendment.

The Convention then took up for consideration the following articles from the report, which being read, were on motion severally adopted:

Article 70. The Supreme Court, and each of the Judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

Art 71. No judgment shall be rendered by the Supreme Court, without the concurrence of a majority of the Judges composing the Court. Whenever a majority cannot agree, in consequence of the recusation of any member or members of the Court, the Judges not recused shall have power to call upon any Judge or Judges of the inferior Courts, whose duty it shall be, when so called upon, to sit in the place of the Judges recused, and to aid in determining the case.

Art. 72. All Judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name, and by the authority of the State of Louisiana, and conclude against the peace and dignity of the same.

Art. 73. The Judges of all Courts within this State shall, as often as it may be possible so to do, in every definite judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

Art. 74. The Judges of all Courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three-fourths of the members present of each House of the General Assembly. In every such case, the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted in the Journal of each House.

On the 75th article being read as follows, to-wit:

Article 75. There shall be an Attorney General for the State, and as many District Attorneys as may hereafter be found necessary. They shall hold their offices for four years; their duties shall be determined by law.

Mr. Cotton moved to strike out the word "four," and insert "two," which motion was lost.

Mr. Price offered the following as a substitute to the above article, which was on motion laid on the table:

Article 75. There shall be an Attorney General for the State, who shall hold his office for four years, and as many District Attorneys as may be hereafter found necessary.

The District Attorneys shall hold their offices for two years, and their duties shall be determined by law.

The following named delegates asked and obtained leave to have their votes recorded, and voted in favor of the proposition of Mr. Price, viz:

Messrs. Sandidge, Carter, Herron, Cotton, Beale, Addison, Pierce, Scarborough, Smart, Hatch, Isaacks, Thompson, Price, Conrad, Delony, Harris, Talbot, Benjamin, Todd, Dalferes, Hargis, Roysdon.

On motion the 75th article was adopted without amendment.

The 76th article being read as follows, was, on motion, adopted:

Article 76. The Judges, both of the Supreme and inferior Courts, shall at stated times receive a salary, which shall not be diminished during their continuance in office; and they are prohibited from receiving any fees of office, or other compensation than their salaries for any civil duties performed by them.

Mr. Thompson asked and obtained leave to have his vote recorded, and voted against the adoption of the above article.

On the 77th article being taken up and read as follows, to-wit:

Article 77. The Legislature shall have power to vest in Clerks of Courts authority to grant such orders and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

On motion the article was adopted without amendment.

Mr. St. Paul offered the following additional article, to be inserted after the 77th article reported by the committee:

"The Legislature shall cause to be attached to each Court to be organized in New Orleans a Master in Chancery, whose duties shall be the same as those belonging to such officers in Courts of Equity."

On motion, the above substitute was laid on the table; and on a further motion, the article was adopted without amendment.

On the 78th article being read, as follows, to wit:

Article 78. The Clerks of the several Courts shall be removeable for breach of good behavior by the Judges thereof; subject in all cases to an appeal to the Supreme Court.

Mr. Hunt, on behalf of the Committee on the Judiciary, offered the following as a substitute to the above article, to wit:

Article 78. The Judges of the several Superior Courts shall have power to remove the Clerks thereof for breach of good behavior; subject in all cases to an appeal to the Supreme Court.

On motion, the substitute was adopted, and the article 78, as contained in the original report, was stricken out.



On the 79th article being taken up and read, as follows, to wit :

Article 79. The jurisdiction of Justices of the Peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to appeal to the District Court in such cases as shall be provided for by law. They shall be elected by the qualified voters of each Parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

Mr. Hernandez offered the following substitute for the above article :

Article 79. The jurisdiction of Justices of the Peace shall never exceed, in civil cases, the sum of one hundred and fifty dollars, exclusive of interest, subject to appeal to the District Court, in such cases as shall be provided for by law. They shall be elected by the qualified voters of each Parish, for the term of two years, and shall have such criminal jurisdiction as shall be provided for by law.

On motion, the substitute was laid on the table.

Mr. Isaacks then moved to strike out all after the words "two years" in the above article, and to insert in lieu thereof the following words :

"The Legislaturc shall have authority to extend jurisdiction to Justices of the Peace in all minor crimes and offences."

On motion, the amendment was laid on the table.

Mr. St. Paul moved to strike out all the words from the beginning of the article to the word "subject," and to insert in lieu thereof the following words : "The jurisdiction of Justices of the Peace shall be limited, in civil cases, to cases where the matter in dispute does not exceed one hundred dollars, exclusive of interest."

On motion the above amendment was adopted.

Mr. Guion moved to insert after the words "elected by" the following words : "a majority vote," which motion was lost.

Mr. Byrne moved to insert after the word "Parish" the words "District or Ward," which motion was lost.

Mr. Pierson having voted with the majority on the motion to lay the above proposition on the table, moved and obtained the re-consideration of the same.

Mr. Collens then offered as a sub-amendment, to strike out the word "Parish" and to insert after the word "each" the following words : "District, Ward or Parish over which their jurisdiction extends."

Mr. Avery moved to lay both amendments on the table, which motion was lost.

The question being on the sub-amendment of Mr. Collens,

Mr. Connely moved to lay the same on the table, which motion prevailed.

Mr. Richardson, of Ouachita, offered the following as a substitute for the last clause of the article :

"They shall be elected by the qualified electors of each Parish, District or Ward, for the term of two years, in such manner, and shall have such criminal jurisdiction as shall be provided by law."

On motion the above substitute was adopted ; and on a further motion the article 79, which reads as follows, was adopted as amended :

Article 79. The jurisdiction of Justices of the Peace shall be limited, in civil cases, to cases where the matter in dispute does not exceed one hundred dollars, exclusive of interest, subject to appeal in such cases as shall be provided by law. They shall be elected by the qualified electors of each Parish, District or Ward, for the term of

two years, in such manner, and shall have such criminal jurisdiction, as shall be provided by law.

Mr. Parham moved to take up the additional article offered by him on the 16th instant, and which was postponed to be taken up with the report of the Committee on the Judiciary.

On motion, the additional article was laid on the table.

The 80th article being taken up and read as follows, to-wit :

Art. 80. Clerks of the District Courts in this State shall be elected by the qualified electors in each Parish, for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the Judge of the Court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

Mr. Carter offered the following proviso to be inserted after the word "exists." "Provided the residue of his term does not exceed one year," which, on motion, was laid on the table.

Mr. Delony moved to strike out the word "four" in the above article, and to insert in lieu thereof the word "two," which motion was also lost.

And, on motion, the above article was adopted without amendment.

The 81st, and last article of the Report being taken up and read as follows, to-wit :

Art. 81. A Sheriff and a Coroner shall be elected in each Parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed.

Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the Governor ; and the person so appointed shall continue in office until his successor shall be elected and qualified.

Mr. St. Paul offered the following amendment to be inserted after the words "unless sooner removed."

"But the Legislature may provide by law for a greater number of Sheriffs and Coroners in the Parish of Orleans."

Pending the consideration of the above amendment,

On motion, the Convention adjourned until tomorrow, at 9 o'clock, A. M.

FRIDAY, July 23, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Crenshaw opened the proceedings with prayer.

Present : Hon. D. F. Kenner, President of the Convention, in the chair, and eighty-nine delegates.

On motion, leave of absence was granted to Messrs. Bernard, Moss, Dorsey, Thibodaux, Jennings, Byrne and Douglass.

Mr. Connely having on yesterday voted in the majority on the motion to lay on the table the report and resolution of the Committee on the French Translation of the Constitution, moved for a reconsideration of the same, which was granted.

The resolution being before the Convention,

Mr. Cotton moved to strike out in the same the words "four hundred," and to insert in lieu thereof the words "two hundred."

Mr. Connely moved to strike out "four" and insert "one."

Mr. Collens moved to strike out "four" and insert "three."



Mr. Martin called for a division of the question, which was granted, and the question being on striking out, was decided in the affirmative.

The question being then on the adoption of the proposition of Mr. Collens to insert three hundred was decided in the negative.

Mr. Richardson, of St. Mary, then moved to strike out "four" and insert "two hundred and fifty," which motion prevailed.

On the motion to adopt the resolution as amended,

Mr. Connely called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Beard, Bienvenu, Boudousquie, Boyer, Bullard, Campbell, Collens, Cotton, Conrad Delony, Declouet, Dufour, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Gardere, Guion, Hatch, Hayes, Hernandez, Hunt, Isaacks, Key, King of St. Landry, Leeds, LeBlanc, Lobdell, Lyle, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pierson, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, St. Paul, Swazey, Shaw, Smith of West Feliciana, Smith of Winn, Sibley, Stewart, Tatman, Villere, Waddill, Williams, Whittington and Wilcoxon—67 yeas.

Messrs. Anderson of Carroll, Addison, Besancon, Beale, Castellanos, Connely, Dalferes, Dosson, Farmer, Harris, Hargis, Herron, Hebert, Hodges, Jourdan, Jones, Leefe, King of Jackson, McMillen, Mathews of Point Coupee, Olivier of St. Martin, Parham, Pierce, Pugh, Reeves, Roysden, Ronquillo, Robinson, Sandidge, Staes, Stewart, Smart, Scarborough, Shelton, Simms, Taliaferro, Thompson, Todd, and Van Vickie—38 nays.

Consequently the motion prevailed, and the resolution, as amended, was adopted.

Mr. Smart moved to take up a motion made by him on a previous day and laid on the table subject to call, to reconsider the motion to adopt the additional article offered by Mr. Benjamin on the 16th inst., concerning lands donated by Congress to the State, which motion was lost.

The following named delegates asked and obtained leave to have their votes recorded in favor of the motion to reconsider, viz :

Messrs. Richardson, Todd, Hatch and Smart.

Mr. Price offered the following resolution, which, on being read, was on motion adopted.

Resolved, That the Committee on Contingent Expenses be instructed to inquire into and ascertain the amount of per diem due F. D. Lewis, as Messenger to the Convention, and to direct the payment of the same.

Mr. Hunt, on behalf of the Committee on the Judiciary, submitted, as a sub-report, the following articles, to be taken up immediately after the report of the Committee on the Judiciary should have been disposed of, to-wit :

Article 82. The Judges of the several inferior courts shall be elected by the duly qualified voters of their respective Districts or Parishes.

Art. 83. Elections for Judges shall be held on the first Monday in March of the year 1853, and of every second year thereafter.

Art. 84. The Attorney-General shall be elected by the qualified voters of the State, and the District Attorneys by the qualified voters of each District, on the day of the election for Governor of the State.

Art. 85. The Legislature may determine the mode of filling vacancies in the offices of inferior Judges, Attorney-

General, District Attorneys, and all other officers not otherwise provided for in this Constitution.

The President announced the appointment of the following committees :

Committee on Districting the State for the Supreme Court: Messrs. Herron, Phillips, Swazey, Richardson of Ouachita, Harris, Pierson, Bienvenu, Talbot, Connely, Bradford, Price and Eggleston.

Committee on the French Translation of the Constitution: Messrs. Dufour, Preaux, Olivier of St. Mary, Lapeyre and Gardere.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of the report of the Committee on the Judiciary.

The question pending when the Convention adjourned on yesterday being the amendment of Mr. St. Paul to article 81.

Mr. Hunt, on behalf of the Committee on the Judiciary, offered the following sub-amendment to article 81, which was accepted by Mr. St. Paul in lieu of the amendment offered by him.

"The Legislature shall have power to increase the number of Sheriffs in any Parish."

On motion the above amendment was adopted.

Mr. Bienvenu moved to strike out in the original article the word "two," and to insert "four," which motion was lost.

Mr. Smart moved to strike out in the original article the following words: "Unless sooner removed," which motion was lost.

Mr. Hatch moved to insert after the word "Sheriffs," in the amendment offered by Mr. Hunt, the word "Coroners," which motion was lost.

On motion the 81st article was adopted as amended.

Mr. Palfrey having voted in the majority on the adoption of the 81st article, moved for a reconsideration of the same.

Mr. Hunt moved to lay the motion on the table, which proposition prevailed.

Mr. Whittington offered the following additional article, which having been read, was on motion laid on the table:

Article —. The Sheriff may be required to renew or augment his security from time to time, and in default of giving such surety or sureties as shall thus be legally required of him, his office shall be deemed vacant.

The Convention then took into consideration the sub-report of the Committee on the Judiciary, as reported this morning.

On the 82d article of said sub-report being read, on motion, it was adopted without amendment.

The article 83 being then taken up and read as follows, to-wit :

Article 83. Election for Judges shall be held on the first Monday in March of the year 1853, and of every second year thereafter.

Mr. Hebert moved to insert after the word "Judges" the following words, "Sheriffs, Clerks, Recorders, Coroners and District Attorneys."

Mr. Nicholls moved to lay the amendment on the table, which motion prevailed.

Mr. Connely offered the following substitute for the above article :

Article 83. It shall be the duty of the Legislature to fix the time for holding elections for all Judges at a time



which shall be different from that fixed for the general elections of the State.

Mr. Martin moved to strike out from the above substitute all after the words "fixed for," and to insert in lieu thereof the word "Parishes," which motion was lost.

On motion, the above substitute was adopted without amendment.

Mr. Benjamin having voted with the majority on the motion to reject the motion made by Mr. Martin, moved for a reconsideration of the same, which was granted.

The proposition of Mr. Martin being before the Convention, Mr. Benjamin moved to amend the same by striking out in the above substitute all the words after "fixed for," and to insert in lieu thereof the words "all other elections," which motion was adopted.

Mr. Collens then moved for a reconsideration of the substitute offered by Mr. Connely, which motion prevailed.

The substitute being then before the Convention,

Mr. Palfrey offered the following amendment to the substitute :

No election of Judges, either of the Supreme Court or the inferior Courts, shall take place within four months before or after a general election.

On motion of Mr. Collens the above amendment was laid on the table.

Mr. Herron then moved to insert after the word "Judges," in Mr. Connely's substitute, the following words, "and Justices of the Peace."

On motion, the above proposition was laid on the table.

On motion, the substitute was re-adopted as amended.

The Convention then took up articles 84 and 85 of the sub-report of the Committee on the Judiciary, which having been read, were, on motions, severally adopted without amendment.

Mr. Waddill offered the following article, which having been read was, on motion, laid on the table, to-wit :

The Legislature shall provide by law for an interchange or circuit system between the Judges of the inferior Courts of the highest original jurisdiction.

Mr. Olivier, of St. Mary, offered the following additional articles, which read as follows, to-wit :

Article —. The first Legislature assembled under this Constitution shall divide the State into Judicial Districts, which shall remain unchanged for eight years, and be subject to re-organization every eighth year thereafter. The number of Districts shall not exceed twelve. For each District one Judge shall be elected. But in the District in which the City of New Orleans is situated, the Legislature shall have power to establish as many District Courts as the public interest may require.

Art. —. Each of the said Judges shall receive, at stated times, a salary to be fixed by law, which shall not be diminished during his term of office, and which shall not be less than three thousand dollars per annum.

Art. —. The Judges of the District Courts shall hold their offices for the term of eight years. The Judges first elected shall be divided into four classes, and the term of office of each class determined in the mode prescribed in article 67 of this Constitution.

Art. —. The District Courts shall have original jurisdiction in all civil cases, when the amount in dispute exceeds — dollars, exclusive of interest. In all criminal cases their jurisdiction shall be unlimited, and the Legislature may provide for their jurisdiction in all matters connected with successions.

On the first of the above articles being taken up and

read, Mr. Lobdell moved to strike out the following words: "the number of Districts shall not exceed twelve."

On motion the article and amendment were laid on the table.

Mr. Olivier, of St. Mary, then withdrew the other three articles.

On motion of Mr. Guion the Convention took up for consideration the report from the majority of the Committee on the Legislative Department, paragraph by paragraph, to-wit: 1st paragraph:

Article 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the total population of each of the several parishes of the State. Each parish shall have at least one Representative. No new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a population less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and amount of population.

Mr. Simms moved to strike out in the above paragraph the words "six hundred and twenty-five," and to insert in lieu thereof the words "four hundred."

Mr. Herron offered the following substitute:

Article 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the number of the qualified electors. Each parish shall have at least one Representative. No parish shall have more than one-fourth of all the Representatives. No new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

Mr. Todd moved to postpone the further consideration of the above report.

Mr. Swazey moved to lay said motion on the table, which motion prevailed.

Mr. Swazey then moved to lay the substitute and the amendment on the table, which motion was lost.

Mr. Simms then renewed his motion.

Mr. Swazey moved to lay the same on the table.

On said motion, Mr. Simms called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Addison, Bradford, Bartlett, Benjamin, Beale, Bienvenu, Boudousquie, Boyer, Bullard, Castellanos, Carter, Campbell, Collens, Conrad, Dalferes, Delony, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Point Coupee, Eggleston, Eustis, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hodges, Hunt, Isaacks, Jourdan, Jones, Key, King of St Landry, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St Martin, Olivier of St Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Pujo, Pugh, Reeves, Richardson of St Mary, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Smith of Winn, Sibley, Stewart, Villere, Waddill and Williams—85 yeas.

And Messrs. Besancon, Beard, Cotton, Connely, Dosson, Farmer, Hatch, Herron, Hebert, Hough, King of Jackson,



McMillen, Mathews of Point Coupee, Richardson of Ouachita, Roysden, Smart, Scarborough, Shelton, Simms, Tatman, Talbot, Taliaferro, Thompson, Todd, Van Wickle, Whittington and Wilcoxon—27 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Hough then moved to strike out "six hundred and twenty-five," and to insert "five hundred," which motion was lost.

Mr. Scarborough moved to strike out all after the words "at least one Representative," to the end of the paragraph, and to insert the following words: "that the General Assembly shall have power to create new parishes."

On motion to lay the amendment on the table, the yeas and nays were called for, and resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Bradford, Bartlett, Benjamin, Beard, Bienvenu, Boudousquie, Boyer, Bullard, Castellanos, Carter, Campbell, Collens, Conrad, Dalferes, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Eustis, Gardere, Guion, Hayes, Harris, Hargis, Hebert, Hernandez, Hodges, Hunt, Isaacks, Jones, Key, King of St. Landry, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Paxton, Palfrey, Patterson, Preaux, Pierce, Pierson, Pugh, Reeves, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Sibley, Simms, Stewart, Tatman, Thompson, Villere, Waddill, Williams and Whittington—85 yeas; and

Messrs. Addison, Besancon, Beale, Cotton, Connely, Delony, Dosson, Edwards of Washington, Farmer, Hatch, Herron, Hough, King of Jackson, McMillen, Mathews of Point Coupee, Price, Pujo, Richardson of Ouachita, Smart, Scarborough, Shelton, Smith of Winn, Talbot, Taliaferro, Todd, Van Wickle and Wilcoxon—27 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Todd moved to insert after the words "a population less than," the words "two-thirds."

Mr. Reeves moved to lay the amendment on the table.

On said motion Mr. Smart called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Bienvenu, Boudousquie, Boyer, Bullard, Castellanos, Campbell, Collens, Conrad, Dalferes, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hodges, Jourdan, Jones, Key, King of St. Landry, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pugh, Reeves, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Sibley, Simms, Stewart, Tatman and Villere—75 yeas.

And Messrs. Anderson of Carroll, Besancon, Beale, Beard, Carter, Cotton, Connely, Delony, Dosson, Farmer, Hatch, Herron, Hebert, Hough, Isaacks, King of Jackson, McMillen, Mathews of Point Coupee, Parham, Pujo, Richardson of Ouachita, Roysden, Smart, Scarborough, Shel-

ton, Smith of Winn, Talbot, Taliaferro, Thompson, Todd, VanWickle, Waddill and Wilcoxon—33 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Avery moved to strike out the following words in the substitute offered by Mr. Herron, to-wit:

No Parish shall have more than one fourth of all the Representatives.

Pending the consideration of the above motion,

Mr. Taliaferro moved for an adjournment; on said motion; the yeas and nays were called, and resulted as follows:

Messrs. Andrews, Anderson of Carroll, Addison, Beard, Castellanos, Carter, Campbell, Cotton, Conrad, Dalferes, Delony, Dosson, Edwards of Orleans, Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Hebert, Hernandez, Hough, Hodges, Hunt, Leefe, McMillen, Paxton, Patterson, Price, Pierce, Pierson, Pujo, Pugh, Richardson of Ouachita, Roysden, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Stewart, Taliaferro, Todd and Wilcoxon—46 yeas.

And Messrs. Anderson of St. Landry, Avery, Armant, Bradford, Bartlett, Benjamin, Besancon, Beale, Bienvenu, Boudousquie, Boyer, Collens, Connely, Declouet, Dufour, Dugue, Duffel, Edwards of Washington, Eggleston, Gardere, Guion, Herron, Isaacks, Jourdan, Jones, Key, King of St. Landry, King of Jackson, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of P. C., Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Preaux, Reeves, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staes, Swazey, Shaw, Sibley, Simms, Tatman, Talbot, Thompson, Van Wickle, Villere, Williams, Waddill and Whittington—64 nays.

Consequently the motion to adjourn was lost.

Mr. Martin then called for the previous question.

On said motion Mr. Hunt called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Boudousquie, Boyer, Collins, Connely, Dufour, Eggleston, Gardere, Guion, Isaacks, Key, Mathews, of Orleans, Mathews of Point Coupee, Martin, Mather, Monge, Nichols, Olivier of St. Mary, Palfrey, Pugh, Roman, St. Paul, Staes, Swazey, Shaw, Sibley, Simms, Tatman, Waddill, Williams and Whittington—34 yeas.

And Messrs. Andrews, Armant, Addison, Bradford, Bartlett, Benjamin, Besancon, Beale, Beard, Bienvenu, Castellanos, Carter, Campbell, Conrad, Dalferes, Delony, Declouet, Dosson, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Jourdan, Jones, King of St. Landry, King of Jackson, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Olivier of St. Martin, Parham, Paxton, Patterson, Price, Pierce, Pierson, Pujo, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roysden, Ronquillo, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Stewart, Talbot, Taliaferro, Thompson, Todd, Van Wickle, Villere and Wilcoxon—75 nays.

Consequently the motion for the previous question was lost.

And on motion, the Convention adjourned until to-morrow at 9 o'clock, A. M.



SATURDAY, July 24, 1852.

The Convention met pursuant to adjournment.

Present, Hon. D. F. Kenner, President of the Convention, in the chair, and ninety-one delegates.

ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of the first paragraph of the 8th article, as reported by the majority of the Committee on the Legislative Department.

The propositions of Messrs. Herron and Avery being before the Convention.

Mr. Hunt moved to take up, as a substitute for the first paragraph as reported by the committee, the first paragraph of the 8th article of the present Constitution, which reads as follows, to-wit :

Article 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors. Each parish shall have at least one Representative; no new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a number of electors less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and number of electors.

Mr. Guion moved to strike out from the above substitute the following words: "the number of qualified electors," and so insert the words "total population."

Pending the discussion on the above subject,

Mr. Isaacks called for the previous question.

On said motion the yeas and nays were called for, and resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Bradford, Bartlett, Benjamin, Beard, Boudousquie, Boyer, Buisson, Collens, Connely, Conrad, Declouet, Dufour, Dugue, Edwards of Orleans, Eggleston, Gardere, Guion, Isaacks, Key, Lobdell, Lyle, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Palfrey, Preaux, Pierce, Pugh, Reeves, Rixner, Roselius, Roman, St. Paul, Staes, Swazey, Shaw, Sibley, Tatman, Villere, Waddill, Williams and Whittington—51 yeas.

And Messrs. Andrews, Addison, Beale, Bienvenu, Bullard, Castellanos, Carter, Cotton, Dalferes, Delony, Dosson, Duffel, Edwards of Washington, Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Jones, King of St. Landry, King of Jackson, Leefe, Leeds, LeBlanc, McIlhenny, McMillen, Mathews of Point Coupee, Olivier of St. Martin, Parham, Paxton, Price, Pierson, Pujo, Richardson of Oua., Richardson of St. Mary, Risk, Roysden, Ronquillo, Robinson, Saudidge, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliaferro, Thompson, Todd and Wilcoxon—59 nays.

Consequently the motion for the previous question was lost.

Mr. Farmer moved for an adjournment, which motion was lost.

Mr. St. Paul then renewed his call for the previous question.

On said motion the yeas and nays were called for, and resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Armant, Bradford, Bartlett, Benjamin, Beard, Boudousquie, Boyer, Buisson, Collens, Connely, Conrad, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Isaacks, Key, Lobdell,

Lyle, Mathews of Orleans, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Palfrey, Preaux, Pierce, Pujo, Pugh, Reeves, Rixner, Roselius, Roman, Roysden, Ronquillo, St. Paul, Smart, Swazey, Shaw, Smith of West Feliciana, Sibley, Tatman, Villere, Waddill, Williams and Whittington—55 yeas.

And Messrs. Andrews, Addison, Besancon, Beale, Bienvenu, Bullard, Castellanos, Carter, Cotton, Delony, Dosson, Edwards of Washington, Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hebert, Hough, Hernandez, Hodges, Hunt, Jourdan, Jones, King of St. Landry, King of Jackson, Leefe, Leeds, LeBlanc, McIlhenny, McMillen, Mathews of Point Coupee, Olivier of St. Martin, Parham, Paxton, Price, Pierson, Richardson of Ouachita, Richardson son of St. Mary, Risk, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith of Winn, Simms, Stewart, Talbot, Taliaferro, Thompson, Todd, Van Wickle and Wilcoxon—56 nays.

Consequently the motion for the previous question was lost.

And, on motion, the Convention adjourned until Monday morning, at 9 o'clock.

MONDAY, July 26, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Chadburn opened the proceedings with prayer.

Present: Hon. D. F. Kenner, President of the Convention, in the chair, and ninety-six delegates.

Mr. Waddill offered the following additional article to be inserted under the head of Legislative Department, to-wit:

"Article —. On the final passage of every bill in either House, the vote shall be taken by yeas and nays and entered on the journal, and no law shall be passed in either House without a majority vote of all the members elected thereto."

On motion of the same delegate the above article was laid on the table subject to the call of the Convention.

Mr. Sandidge offered the following as his reasons for voting against the report of the Committee on the Judiciary, as adopted by the Convention, and on motion the following reasons were ordered to be spread on the journal:

I vote against the entire report of the Committee on the Judiciary Department for the following reasons, mainly: Because, in the organization of the Supreme Court the principle is asserted, that the verdict of a jury in the trial of causes before the lower courts in civil cases may be set aside or reversed on a review of the *facts*, as well as of the law, by the appellate court. Because, whilst it is thus declared to be *essential* for the security of the rights of the people, that the jurisdiction of the court should be thus extended to the *facts* in civil cases, when the amount in dispute shall exceed three hundred dollars—it yet denies to the court that which I certainly would not give it—a like power in criminal cases—a distinction which has become odious to the people. Because, whilst it grants to them and to a jury of their peers the exercise of a power irreversible as to *facts*, where their *lives* or *liberty* is at stake, yet refuses them the same consideration when a paltry matter of money is at issue.

I object, because it is due the people that such justice



as the law allows should be meted out in the most summary way and at the least possible cost, neither of which can be had so long as Judges of the Supreme Court are expected to doze through mountain piles of written evidence; and because, so long as this unnecessary review is required, the number of those Judges will not be reduced.

And on principle I object, because the verdict of a jury should be conclusive in *all* matters of *fact*. I object, because of the utter disregard which is manifested for the will of the people, as heretofore expressed by two Legislatures, as to the number of these Judges, their salaries and their tenure of office.

And lastly, because, that of the two thousand five hundred freemen I am trying to represent in this Convention, two thousand four hundred of them would vote against this whole Judiciary Department, were it submitted to them separately from the balance of the Constitution.

[Signed] JOHN M. SANDIDGE.

We fully concur with our Senatorial Delegate in the reasons assigned for his opposition to the report of the Judiciary Committee.

[Signed] R. HODGES, of Bossier.

[Signed] B. W. PIERCE, of Bienville.

[Signed] R. A. HARGIS, of Claiborne.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of the report of the majority of the Committee on the Legislative Department.

The first paragraph of the report being before the Convention, as also the substitute offered by Mr. Hunt, and the amendment offered by Mr. Guion, when the Convention adjourned.

Mr. Guion withdrew the amendment offered by him on Saturday, the 24th inst.

Mr. Carter then offered the following as a proviso to Mr. Hunt's substitute, to-wit:

"Provided, that no parish or city shall be entitled to more than one-fourth of the whole number of Representatives."

Mr. Guion moved to lay the proviso on the table.

On said motion the yeas and nays were called, and resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Addison, Bartlett, Bradford, Benjamin, Besancon, Bienvenu, Brother, Bullard, Buisson, Byrne, Castellanos, Collens, Cotton, Connely, Conrad, Dalferes, Declouet, Dossan, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Guion, Hayes, Harris, Hargis, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pierce, Pierson, Pujo, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St. Paul, Staes, Smart, Swazey, Shaw, Shelton, Smith of Winn, Sibley, Tatman, Taliaferro, Thompson, Villere, Williams, Whittington and Wilcoxon—90 yeas.

And Messrs. Anderson of Carroll, Beale, Beard, Boyer, Carter, Campbell, Delony, Hatch, Herron, King of Jackson, McMillen, Moss, Parham, Phillips, Richardson of Ouachita, Roysden, Scarborough, Smith of West Feliciana, Simms, Stewart, Talbot, Todd, VanWickle and Waddill—24 nays.

Consequently the motion prevailed, and the proviso was laid on the table.

Mr. Guion then renewed his motion to strike out from the substitute offered by Mr. Hunt the words "number of electors," and insert "total population."

Pending the consideration of the above motion, Mr. Dalferes called for the previous question.

On said motion Mr. McIlhenny called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Avery, Bradford, Benjamin, Beard, Bienvenu, Brother, Buisson, Byrne, Campbell, Collens, Dalferes, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Guion, Hayes, Hough, Isaacks, Jennings, Jones, Key, Lapeyre, LeBlanc, Lyle, Mathews of Orleans, Marrero, Mather, Monge, Nicholls, Olivier of St. Mary, Olivier of St. Martin, Palfrey, Preaux, Pierce, Pierson, Pugh, Reeves, Rixner, Roman, Roysden, Ronquillo, Roselius, Sandidge, Smart, Smith of W. F., Sibley, Tatman, Thompson, Villere, Williams and Whittington—58 yeas.

And Messrs. Akenhead, Anderson of Carroll, Addison, Besancon, Beale, Boyer, Bullard, Castellanos, Carter, Cotton, Conrad, Dossan, Farmer, Hatch, Hargis, Harris, Herron, Hebert, Hernandez, Hodges, Hunt, Jourdan, King of St. Landry, King of Jackson, Leefe, Leeds, McIlhenny, McMillen, Mathews, Martin, Moss, Parham, Paxton, Patterson, Price, Phillips, Pujo, Richardson of Ouachita, Richardson of St. Mary, Risk, Robinson, St. Paul, Staes, Swazey, Shaw, Scarborough, Shelton, Smith of Winn, Simms, Stewart, Talbot, Taliaferro, Todd, Van Wickle and Waddill—55 nays.

Consequently the motion prevailed.

The first question being on the proposition of Mr. Guion to strike out from Mr. Hunt's substitute the words "number of electors," and to insert in lieu thereof "total population,"

On motion, the yeas and nays were called, and resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Benjamin, Beale, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Dalferes, Delony, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Herron, Hernandez, Isaacks, Jennings, Key, King of St. Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McMillen, Mathews of Orleans, Mathews of P. C., Marrero, Martin, Mather, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson of St. Mary, Rixner, Roselius, Roman, Roysden, Ronquillo, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Sibley, Simms, Stewart, Tatman, Talbot, Van Wickle, Waddill, Williams, Whittington and Wilcoxon—76 yeas.

And Messrs. Andrews, Addison, Bradford, Bartlett, Besancon, Beard, Bienvenu, Brother, Bullard, Cotton, Dossan, Edwards of Washington, Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Hebert, Hough, Hodges, Hunt, Jourdan, Jones, King of Jackson, Leeds, McIlhenny, Price, Pierce, Pierson, Pujo, Richardson of Ouachita, Risk, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith of Winn, Taliaferro, Thompson, Todd and Villere—43 nays.

Consequently the amendment was adopted.

The following named delegates offered the following as their reasons for the votes given by them respectively on the motion to adopt the proposition of Mr. Guion, and



moved that the same should be spread on the journal, which was granted, to-wit :

I vote for Representation upon the basis of total population, because I believe that if the other basis should be adopted New Orleans will be restricted in her delegation.

[Signed]

JENNINGS, of Orleans.

I vote against the basis of total population, as I consider the electoral the only true democratic basis of Representation ; and being a democrat, vote in accordance with my views of the principles and professed doctrines of the party to which I belong.

[Signed]

P. O. HERBERT.

I vote for the basis of total population, because I believe that there is among the members from the country a strong feeling of opposition towards the City of New Orleans, and that in presence of this feeling, I have been compelled to choose between the basis of total population on the one hand, and a permanent and never to be removed restriction to one-fourth of the representation on the other.

In the first alternative a hope is left that by means of the great improvements now progressing and to be planned hereafter, New Orleans may, by the increase of her population, with commerce, soon regain the small loss she now makes.

In the second alternative, all hope is extinguished, and a final blow is given to the equality of the city with the rest of the State.

My choice cannot be doubtful, believing as I do, that that there is no hope of carrying the electoral basis, which is the true one in principle, without the permanent restriction to a limited number imposed upon the city ; and believing in the words of the Chairman of the Legislative Committee, that the friends of the total population basis desire, and will vote for no further restriction.

[Signed,]

ROBERT PREAUX.

The question being put on the adoption of the substitute, as amended—

Mr. Guion moved to reject the same, which motion prevailed.

Mr. Guion then moved to adopt the original paragraph, as reported by the majority of the Committee on the Legislative Department.

On said motion Mr. Hunt called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Benjamin, Beale, Brother, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Dalferes, Delony, Deelouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Herron, Hernandez, Isaacks, Jennings, Key, King of St. Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McMillen, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Mather, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson of St. Mary, Rixner, Roselius, Roman, Roysden, Ronquillo, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Sibley, Simms, Stewart, Tatman, Talbot, Van Wickle, Waddill, Williams, Whittington and Wilcoxon—77 yeas.

And Messrs. Andrews, Addison, Bradford, Bartlett, Besaneon, Beard, Bienvenu, Bullard, Cotton, Dosson, Edwards of Washington, Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Hebert, Hough, Hodges, Hunt, Jourdan, Jones, King of Jackson, Leeds, McIlhenny, Price, Preaux, Pier son, Pujo, Richardson of Ouachita, Risk, Robinson, San-

didge, Smart, Scarborough, Shelton, Smith of Winn, Taliaferro, Thompson, Todd and Villere—42 nays.

Consequently the proposition of Mr. Guion prevailed, and the first paragraph of the report was adopted.

The following named delegates offered the following as their reasons for the votes given by them respectively, on the motion of Mr. Guion to adopt the original paragraph, as reported by the committee, and moved that the same should be spread on the journal, which was granted, to-wit :

We vote yea because, on consulting statistics, we perceive that it would be detrimental to the section of the city we represent to vote differently, inasmuch as it would be the cause of making it lose one additional representative, to which it would otherwise be entitled.

[Signed]

H. C. CASTELLANOS,  
E. STAES.

I vote yea because I believe the electoral basis would give an undue influence of the commercial over the agricultural interest of the State.

[Signed]

A. J. MOSS.

The undersigned hereby beg leave to enter their solemn protest against the adoption of the total population as the basis of representation in this State, for the following reasons, viz : They believe the adoption of the total population to be the destruction of the principles of Republican Government, and all political equality ; and that the adoption of that basis would be to take the power out of the hands of the qualified electors—the source of all genuine Republicanism—and to transfer the same into the hands of the large slaveholders, thereby stamping upon this Government the odious principles and character of an aristocratic Government ; and for the further reason that the electoral basis, for the lower House, has existed since eighteen hundred and twelve, and no interest of the State has been injured by it, and no complaint ever made against it by the people, and we do not see any good reason to apprehend any injury from re-adopting the electoral basis.

[Signed]

WADE H. HOUGH,  
JAMES G. TALIAFERRO,  
WM. H. DOSSON,  
JNO. M. SHELTON,  
JOHN R. SMART.

On the second paragraph of the report being taken up and read as follows, to-wit :

The first enumeration by the State authorities under this Constitution, shall be made in the year 1853, the second in the year 1858, the third in the year 1863 ; after which time the General Assembly shall direct in what manner the census shall be taken, so that it be made at least once in every period of ten years, for the purpose of ascertaining the total population in each parish and Election District.

Mr. Connely moved to strike out in the above paragraph, "1863," and to insert in lieu thereof "1865," which motion prevailed.

On motion the paragraph as amended was adopted.

On the 3d paragraph being read as follows, to-wit :

At the first regular Session of the Legislature after the making of each enumeration, the Legislature shall apportion the representation among the several parishes and Election Districts on the basis of the total population as aforesaid. A Representative number shall be fixed, and each parish and Election District shall have as many Representatives as its aggregate population shall entitle it to, and an additional Representative for any fraction



exceeding one-half the Representative number. The number of Representatives shall not be more than one hundred nor less than seventy.

Mr. Todd moved to strike out in the same the words "one hundred," and to insert in lieu thereof the words "one hundred and ten."

Mr. Guion moved to lay the amendment on the table.

On said motion, Mr. Todd called for the yeas and nays, which resulted as follows.

Messrs. Adderson of St. Landry, Akenhead, Avery, Addison, Bradford, Bartlett, Benjamin, Beale, Beard, Bienvenu, Brother, Bullard, Buisson, Byrne, Castellanas, Carter, Campbell, Collens, Connely, Conrad, Declouet, Dosson, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillin, Mathews of Orleans, Marrero, Martin, Mather, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Pierson, Pugh, Reeves, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Sibley, Tatman, Talbot, Thompson, Villere, Williams, Whittington, and Wilcoxon—91 yeas.

And Messrs. Besancon, Boyer, Cotton, Hebert, Jourdan, King of Jackson, Mathews of Point Coupee, Price, Richardson of Ouachita, Robinson, Smart, Scarborough, Shelton, Smith of Winn, Simms, Stewart, Taliaferro, Todd, VanWickle and Waddill—29 nays.

Consequently the motion prevailed, and the amendment was laid on the table; and on motion the paragraph was adopted without amendment.

The fourth and fifth paragraphs being taken up and read as follows, were, on motion, adopted without amendment:

"Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in this article, the representation in the Senate and House of Representatives shall be and remain as at present established by law.

"The limits of the Parish of Orleans are hereby extended, so as to embrace the whole of the present City of New Orleans, including that part of the Parish of Jefferson formerly known as the City of Lafayette."

On the sixth paragraph being taken up and read as follows, to-wit:

"All that part of the Parish of Orleans which is situated on the left bank of the Mississippi River shall be divided by the Legislature into not more than ten Representative Districts, and until a new apportionment shall be made according to the first census to be taken under this Constitution, that part of the City of New Orleans which was comprised within the former limits of the City of Lafayette shall be attached to and form part of the First Representative District, and the other Representative Districts shall remain as they are now established."

Mr. Gardere moved to strike out the following words in the above paragraph: "Be attached to and form part of the First," and to insert, in lieu thereof, the words "form the Tenth" and also to insert after the words "District and" the following words: "Shall elect two out of the three Representatives now appointed by law to the Parish of Jefferson," which motion prevailed.

Mr. St. Paul then moved to strike out from the amend-

ment of Mr. Gardere the word "Tenth," and to insert "Fourth," which motion was lost.

Mr. Eustis asked and obtained leave to have his vote recorded, and voted in favor of the proposition of Mr. St. Paul.

Mr. Conrad moved to strike out the word "more," and to insert "less," which motion was lost.

And on motion the sixth paragraph, as amended, was adopted.

The Convention then took up article 15 of the report, which reads as follows, to-wit:

Article 15. The Legislature, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No Parish shall be divided in the formation of a Senatorial District—the Parish of Orleans excepted. And whenever a new Parish shall be created, it shall be attached to the Senatorial District from which most of its Territory was taken, or to another contiguous District, at the discretion of the Legislature; but shall not be attached to more than one District. The number of Senators shall be thirty-two, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several Districts; provided, that no Parish shall be entitled to more than one-eighth of the whole number of Senators.

Mr. Pierce moved to insert after the word "total" the word "white."

Mr. Guion moved to lay the amendment on the table.

On said motion Mr. Smart called for the yeas and nays, which resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Bradford, Benjamin, Brother, Bryer, Buisson, Byrne, Castellanos, Carter, Collens, Connely, Conrad, Dalferes, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hatch, Hernandez, Isaacks, Key, King of St. Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, Mathews of Orleans, Mathews of P. C., Martin, Moss, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Pugh, Reeves, Richardson of St. Mary, Rixner, Roman, St. Paul, Staes, Swazey, Shaw, Sibley, Stewart, Tatman, Talbot, Villere, Waddill, Williams, Whittington and Wilcoxon—63 yeas.

And Messrs. Andrews, Addison, Besancon, Beale, Beard, Bienvenu, Bullard, Cotton, Delony, Dosson, Edwards of Washington, Eustis, Farmer, Hayes, Harris, Hargis, Herron, Hebert, Hough, Hodges, Jennings, Jourdan, Jones, King of Jackson, Leeds, McIlhenny, McMillen, Price, Pierce, Pierson, Richardson of Ouachita, Risk, Roselius, Roysden, Ronquillo, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith of Winn, Taliaferro, Thompson and Todd—44 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Hunt moved to strike out after the words "to more than," to the end of the article, and to insert in lieu thereof "five Senators."

Mr. Richardson of Ouachita moved to lay the amendment on the table.

On said motion the yeas and nays were called, and resulted as follows:

Messrs. Anderson, of St. Landry, Akenhead, Avery, Andrews, Addison, Bradford, Benjamin, Bienvenu, Brother, Boyer, Buisson, Byrne, Castellanos, Collens, Cotton, Dalferes, Declouet, Dufour, Dugue, Edwards of Orleans, Eg-



gleston, Eustis, Gardere, Guion, Hayes, Hebert, Hernandez, Hunt, Jennings, Jourdan, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Moss, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pierson, Pujo, Pugh, Reeves, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Robinson, St. Paul, Staes, Swazey, Shaw, Smith of Winn, Sibley, Tatman, Taliaferro, Villere, Waddill, Williams, Whittington and Wilcoxon—72 yeas.

And Messrs. Anderson of Carroll, Bartlett, Besancon, Beale, Beard, Carter, Campbell, Connely, Conrad, Delony, Dosson, Duffel, Edwards of Washington, Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, Isaacks, King of Jackson, McMillen, Mathews of Point Coupee, Monge, Nicholls, Parham, Patterson, Pierce, Richardson of Ouachita, Roysden, Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith of W. F., Simms, Stewart, Talbot, Thompson and Todd—42 yeas.

Consequently the motion of Mr. Hunt prevailed, and the amendment inserted accordingly.

Mr. Pierce moved to strike out the words "total population," and to insert the following words, "qualified electors."

Mr. Reeves moved to lay the amendment on the table.

On said motion the yeas and nays were called, and resulted as follows:

Messrs. Anderson of St. Landry, Akenhead, Avery, Anderson of Carroll, Bradford, Benjamin, Brother, Boyer, Buisson, Byrne, Castellanos, Carter, Collens, Connely, Conrad, Dalteres Declouet, Dufour, Duguc, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hatch, Hays, Hernandez, Isaacks, Key, King of St. Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, Mathews of Orleans, Mathews of P. C., Marrero, Martin, Moss, Monge, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Pugh, Reeves, Rixner, Roselius, Roman, Ronquillo, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Sibley, Stewart, Tatman, Talbot, Villere, Waddill, Williams, Whittington and Wilcoxon—68 yeas.

And Messrs. Addison, Bartlett, Besancon, Beale, Beard, Bienvenu, Campbell, Cotton, Delony, Dosson, Edwards of Washington, Farmer, Harris, Hargis, Herron, Hebert, Hough, Hodges, Jennings, Jourdan, Jones, King of Jackson, McIlhenny, McMillen, Nicholls, Price, Pierce, Pierson, Pujo, Richardson of Ouachita, Risk, Roysden, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith of Winn, Simms, Taliaferro, Thompson and Todd—42 yeas.

Consequently the motion prevailed, and the amendment was laid on the table; and on motion the article was adopted, as previously amended.

The 16th article was then taken up, and being read, was, on motion, adopted without amendment.

Article 16. In all apportionments of the Senate, the population of the City of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-seven, and the result produced by this division shall be the Senatorial ratio entitling a Senatorial District to a Senator. Single or contiguous Parishes shall be formed into Districts, having a population the nearest possible to the number entitling a District to a Senator; and if, in the apportionment to be made, a Parish or District shall fall short of or exceed the ratio one-fifth, then a District may be formed having not more than two Senators, but not otherwise. No new apportionment shall have the effect

of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the (eighth) article, the Legislature shall not pass any law until an apportionment of Representation in both Houses of the General Assembly be made.

On motion, the Convention adjourned until to-morrow, at 9 o'clock, A. M.

TUESDAY, July 27, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Gache opened the proceedings with prayer.

Present—Hon. D. F. Kenner, President of the Convention, in the Chair, and ninety-one delegates.

Mr. Williams offered the following resolution, which, being read, was, on motion, referred with articles under the title of Schedule to the Committee on Schedule.

Resolved, That immediately after the adjournment of this Convention, the Governor shall issue writs of election to the Sheriffs of the different Parishes in the State, to open and hold an election in the several Parishes in the State, at the places fixed by law, on the first Monday in November next, for the purpose of taking the sense of the people of the State upon the adoption or rejection of this amended Constitution. Each voter shall write on his ticket "accepted" or "rejected," and the Commissioners shall carefully count each ballot so deposited, and shall forthwith make returns thereof to the Sheriffs, who shall in like manner make their returns according to the existing law. And if it shall appear from said returns that a majority of all the votes polled in said election, are in favor of accepting the amended Constitution, the Governor shall forthwith make proclamation of the fact—whether it be accepted or rejected, and cause the same to be published in the State paper, showing the number of votes cast for or against.

It shall be the duty of the Governor, immediately after it is known, that this amended Constitution is accepted by the people, to issue his writs of election to the Sheriffs of the different Parishes in this State, requiring them to hold an election at the places fixed by law on the *first Monday in January*, for members to the General Assembly, Governor, Lieutenant Governor, and all other officers whose election is provided for by this amended Constitution (except the Judges) and make due returns thereof, according to the existing law concerning State elections. And that the General Assembly so elected, shall convene at the State House fixed by this Constitution, on the third Monday of the same month (January) and that the Governor and Lieutenant Governor so elected, shall be duly installed in office the first week of their session, and before it shall be competent for the General Assembly to proceed in the transaction of business.

Mr. Herron, on behalf of the Committee appointed for the districting of the State into Judicial Districts, submitted the following report:

The Committee appointed to divide the State into Districts to elect Judges of the Supreme Court, submit the following Districts:

FIRST DISTRICT.—That portion of the Parish of Orleans on the left bank of the Mississippi River, that part of the City of New Orleans, formerly known as Lafayette, excepted.



SECOND DISTRICT.—The Parishes of Plaquemines, St. Bernard, that portion of the Parish of Orleans on the right bank of the Mississippi, Jefferson including that portion of New Orleans formerly known as Lafayette, St. John the Baptist, St. Charles, St. James, Ascension, Assumption, Lafourche, Terrebonne, West Baton Rouge and Iberville.

THIRD DISTRICT.—The Parishes of St. Tammany, Washington, Livingston, St. Helena, East Baton Rouge, East Feliciana, West Feliciana, Point Coupee, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, St. Mary, St. Martin and St. Landry.

FOURTH DISTRICT.—The Parishes of Calcasieu, Rapides, Sabine, Natchitoches, DeSoto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll and Winn.

[Signed,] ANDREW S. HERRON, Chairman.

On motion of Mr. Dufour, 200 copies were ordered to be printed, and the report was made the special order of the day for to-morrow.

Mr. Simms moved to take up a resolution introduced by him on a previous day, "to submit this Constitution to the people for approval, etc., etc.," and which was laid on the table subject to call, which motion was granted.

On motion of the same delegate, the above resolution was referred to the Committee on Schedule.

Mr. Waddill moved to take up for consideration the additional article offered by him on yesterday, and laid on the table subject to call. On motion of the same delegate, the last clause of the article was stricken out, and

On motion of Mr. Sandidge the article was laid on the table.

Mr. Connely offered the following resolution, which reads as follows, to-wit :

*Resolved*, That the Committee on Contingent Expenses be instructed to report to this Convention some plan for raising money to pay the members and officers their salaries and per diem.

Mr. Gardere moved to lay the resolution on the table, which was lost, and

On motion of Mr. Connely, the resolution was adopted.

Mr. Olivier, of St. Mary, having on yesterday voted with the majority on the adoption of the sixth paragraph of the report of the Committee on the Legislative Department, moved for a reconsideration of the same, which was granted.

The sixth paragraph being before the Convention.

Mr. Jourdan moved to strike out from the above paragraph all from and after the words "Representative Districts," to the end of the same which motion was lost.

Mr. Benjamin then moved to amend the above paragraph by inserting after the words "City of Lafayette" the following words : "shall vote for Senators from the Parish of Orleans, and."

Mr. Cotton moved as a sub-amendment, to insert after the words "City of Lafayette," the following words, to-wit : "shall vote for the fifth Senator from the Parish of Orleans."

Mr. Dufour moved to lay Mr. Cotton's amendment on the table. On said motion the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Bradford, Bartlett, Benjamin, Brother, Buisson, Byrne, Castellanos, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hays, Harris, Hernandez, Hodges, Jennings, Jones, King of St. Landry,

Lapeyre, Leece, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Mather, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pugh, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, St. Paul, Staes, Shaw, Scarborough, Smith of West Feliciana, Tatman, Williams and Wilcoxon—63 yeas.

And Messrs. Besancon, Beale, Beard, Bienvenu, Cotton, Dalferes, Delony, Dosson, Eustis, Farmer, Hatch, Hargis, Herron, Hough, Jourdan, LeBlanc, McMillen, Mathews of P. C., Marrero, Moss, Pearce, Phillips, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith of Winn, Simms, Taliaferro, Van Wickle, Villere, Waddill and Whittington—34 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

The question being then on the motion of Mr. Benjamin, the same was adopted, and on motion, the sixth paragraph as amended was re-adopted.

Mr. Richardson, of O., having on yesterday voted with the majority on the motion to adopt the fourth paragraph of the report of the Committee on the Legislative Department, moved for a reconsideration of the same.

Mr. Guion moved to lay the motion on the table. On said motion Mr. Richardson of O. called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Bradford, Benjamin, Brother, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Eustis, Gardere, Guion, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leece, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Mather, Nicholls, Olivier of St. Mary, Palfrey, Patterson, Preaux, Price, Pierson, Pugh, Reeves, Richardson of St. Mary, Rixner, Roselius, Roman, Sandidge, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Taliaferro, Tatman, Villere, Williams and Wilcoxon—65 yeas.

And Messrs. Anderson of Carroll, Addison, Bartlett, Besancon, Beale, Beard, Bienvenu, Cotton Dalferes, Dosson, Douglass, Edwards of Washington, Farmer, Hargis, Herron, Hodges, Jones, King of Jackson, LeBlanc, McMillen, Mathews of P. C., Paxton, Pierce, Phillips, Richardson of Ouachita, Roysden, Ronquillo, Robinson, Smart, Scarborough, Shelton, Smith of Winn, Sibley, Simms, Stewart, Todd, VanWickle, Waddill and Whittington—39 nays.

Consequently the motion prevailed, and the motion to reconsider was laid on the table.

On motion of Mr. Roman the report of the majority of the Committee on General Provisions was taken up to be acted upon article by article.

On the 113th article, the first article reported by the committee, being taken up and read as follows, to-wit :

Article 113. The credit of the State shall not in any manner be loaned to or given in aid of any individual association or corporation, except those exclusively instituted for purposes of Internal Improvements within the limits of the State ; and the faith of the State shall not be pledged for the benefit of any such corporation or joint-stock company, for more than one-fifth of the capital thereof, nor shall bonds be given or payments made but in the same ratio of the capital actually paid in by the stockholders.

Mr. Hunt moved to strike out in the same the words "within the limits of the State."



Mr. Herron offered the following as a substitute for the above article :

"The credit of the State shall not in any manner be loaned or given in aid of any individual association or corporation, and the faith of the State shall not be pledged for the benefit of any such corporations or joint-stock company."

Mr. Risk moved to lay the substitute on the table.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Bradford, Bartlett, Benjamin, Brother, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Cotton, Conrad, Declouet, Douglass, Dufour, Dugue, Edwards of Orleans, Eggleston, Farmer, Gardere, Guion, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, Mathews of Orleans, Martin, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St. Paul, Staes, Swazey, Smith of West Feliciana, Sibley, Tatman, Todd, Villere, Williams and Wilcox—65 yeas.

Messrs. Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Dalferes, Edwards of Washington, Eustis, Hatch, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, King of Jackson, LeBlanc, McMillen, Mathews of Point Coupee, Marrero, Moss, Patterson, Pierce, Pierson, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Smart, Shaw, Scarborough, Shelton, Smith of Winn, Simms, Stewart, Talbot, Taliaferro, VanWickle, Waddill and Whittington—44 nays.

Consequently the motion prevailed, and the substitute was laid on the table.

Mr. Phillips then moved to take up as a substitute for the article reported by the Committee on General Provisions, the article 113 of the Constitution of 1845, which reads as follows, to wit :

"Article 113. The Legislature shall not pledge the faith of the State for the payment of any bonds, bills or other contracts of obligation for the benefit or use of any person or persons, corporation or body politic whatever. But the State shall have the right to issue new bonds in the payment of its outstanding obligations or liabilities, whether due or not ; the said new bonds, however, are not to be used for a larger amount or at a higher rate of interest than the original obligations they are intended to replace."

Mr. Benjamin moved to reject the above substitute.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Bradford, Bartlett, Benjamin, Brother, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Farmer, Gardere, Guion, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Nicholls, Olivier of St. Mary, Palfrey, Preaux, Price, Pierson, Richardson of Orleans, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St. Paul, Staes, Swazey, Scarborough, Sibley, Tatman, Todd, Williams and Wilcox—65 yeas.

And Messrs. Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Dalferes, Delony, Dosson,

Edwards of Washington, Eustis, Hatch, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, King of Jackson, LeBlanc, McMillen, Mathews of Point Coupee, Marrero, Moss, Paxton, Patterson, Pierce, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Talbot, Taliaferro, Van Wickle, Villere, Waddill and Whittington—48 nays.

Consequently the motion prevailed, and the substitute was rejected.

Mr. Martin moved to insert after the words "association or corporation," in the original article, the following words, "or subscribe for stock in the same," which motion prevailed.

Mr. Lobdell then offered the following amendment, to be inserted after the words, "limits of the State :"

"And for the protection of the low lands of this State from inundation, expressly predicated upon a pledge of the swamp lands, which have been donated to the State for that purpose by the United States Government, the proceeds of the sales of which land to be used for that purpose alone."

On motion the above amendment was laid on the table.

The Chair then announced that the next proposition on which the Convention was called upon to vote was on the motion of Mr. Hunt, to strike out "within the limits of the State," in the article reported by the Committee.

Mr. Richardson, of O., moved to lay the amendment on the table, on said motion the yeas and nays were called, and resulted as follows :

Messrs. Anderson, of Carroll, Addison, Beale, Beard, Bienvenu, Brother, Bullard, Buisson, Castellanos, Carter, Collens, Cotton, Connely, Conrad, Dalferes, Delony, Declouet, Dosson, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eustis, Farmer, Gardere, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Isaacks, Key, King of Jackson, Lapeyre, LeBlanc, McMillen, Mathews of Orleans, Mathews of P. C., Marrero, Moss, Nicholls, Palfrey, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson of Ouachita, Rixner, Roselius, Roman, Roysden, Ronquillo, Sandidge, Staes, Shaw, Scarborough, Shelton, Sibley, Simms, Stewart, Tatman, Talbot, Taliaferro, Todd, VanWickle, Villere and Waddill—75 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Bradford, Bartlett, Benjamin, Besancon, Boyer, Byrne, Campbell, Eggleston, Hays, Hunt, Jennings, Jourdan, Jones, King of St. Landry, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Martin, Olivier of St. Mary, Price, Pierson, Risk, Robinson, St. Paul, Smart, Swazey, Smith of Winn, Williams, Whittington and Wilcox—36 nays.

Consequently the motion of Mr. Hunt to strike out was laid on the table.

Mr. Eustis offered the following amendment to be inserted at the end of the article :

"In which cases all the property of said individual association or corporation, shall be specially mortgaged in favor of the State."

Mr. Jennings moved to lay the amendment on the table ; on said motion the yeas and nays were called and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Benjamin, Brother, Buisson, Byrne, Castellanos, Collens, Connely, Conrad, Declouet, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St.



Landry, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Matthews of Orleans, Martin, Nicholls, Olivier of St. Mary, Palfrey, Preaux, Price, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Robinson, Staes, Swazey, Tatman, Villere, Williams and Wilcoxon—51 yeas.

And Messrs. Anderson of Carroll, Addison, Bradford, Bartlett, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Dosson, Douglass, Dufour, Edwards of Washington, Eustis, Farmer, Hatch, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, King of Jackson, Leeds, LeBlanc, McMillen, Mathews of Point Coupee, Marrero, Moss, Paxton, Patterson, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson of Ouachita, Roysden, Ronquillo, Sandidge, St. Paul, Smart, Shaw, Scarborough, Shelton, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, Todd, Van Wickle, Waddill and Whittington—60 nays.

Consequently the Convention refused to lay the amendment of Mr. Eustis on the table.

Mr. St. Paul offered the following as a substitute to the amendment offered by Mr. Eustis to article 113 of the report :

Provided, that in case any such corporation or joint stock company becoming insolvent, the amount subscribed by the State shall, after due payment of just outstanding liabilities and the reimbursement of the loans made by the State, have the preference in the distribution of the remaining assets.

Mr. Lapeyre called for the previous question,

Pending which, on motion, the Convention adjourned until to-morrow at 9 o'clock A. M.

WEDNESDAY, July 28, 1852.

The Convention met pursuant to adjournment.

Present, Hon. D. F. Kenner, President of the Convention, in the Chair, and eighty-nine Delegates.

On motion leave of absence was granted to Messrs Dosson and Guion.

Mr. Eggleston on, behalf of the minority of the Committee appointed to District the State judicially, submitted the following report :

We, the undersigned, members of the Committee to District the State for the election of Judges of the Supreme Court, dissent from the report made by the Hon. Chairman of said Committee, they believe that the apportionment of Judges made by the Committee, is unjust to portions of the people of the State, and is contrary to sound policy, the undersigned therefore can not concur in the distribution made by said report and ask that their dissent may be entered on the Journal of the Convention.

[Signed]

H. B. EGGLESTON  
E. A. BRADFORD.  
JOHN W. PRICE.  
CHS. BIENVENU.

Mr. Waddill offered the following additional article to be inserted under the head of "General Provisions," to-wit :

Art. — No money shall be appropriated by special act or resolution for the payment of any claim or compensation, unless sanctioned by a majority vote of all the members elected to each House of the General Assembly.

On motion to adopt the above article Mr. Phillips called for the yeas and nays, which resulted as follows:

Messrs. Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Dalferes, Delony, Farmer, Hatch, Herron, Hough, Isaacks, Jourdan, King of Jackson, LeBlanc, McMillen, Matthews of Point Coupee, Moss, Patterson, Phillips, Pugh, Reeves, Richardson of Ouachita, Roquillo, Robinson, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Taliaferro, Todd, Van Wickle, Waddill and Whittington—40 yeas.

And Messrs. Anderson of St Landry, Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Bartlett, Benjamin, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Collens, Cotton, Connely, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Hays, Harris, Hargis, Hernandez, Hodges, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Matthews of Orleans, Marrero, Martin, Monge, Nichols, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pierce, Pierson, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Sandidge, St. Paul, Shaw, Tatman, Villere and Williams—66 nays.

Consequently the motion was lost and the additional article was not adopted.

Mr. Benjamin, on behalf of the Committee on Style, submitted the following report, which on motion was adopted.

The Committee on Style respectfully report to the Convention the result of their revision of the first and second titles of the Constitution as passed by the Convention.

They have no change to recommend in the articles from one to five inclusively.

They propose the following change in article six. Instead of the proviso as adopted by the Convention, the Committee propose :

"Provided that no person shall be a Representative or Senator unless he be, at the time of his election, a duly qualified voter of the Representative or Senatorial District from which he is elected."

The articles seven, eight and nine to remain unchanged. The article ten to be amended as follows :

Art. 10. Every free white male who has attained the age of twenty-one years, and who has been a resident of the State twelve months next preceding the election, and the last six months thereof in the Parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting ; but no voter, on removing from one Parish to another within the State, shall lose the right of voting in the former until he shall have acquired it in the latter. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

The article eleven to read as follows :

Art. 11. The Legislature shall provide by law, that the names and residences of all qualified electors of the City of New Orleans shall be registered, in order to entitle them to vote ; but the registry shall be free of cost to the elector.

No further change is proposed until the article twenty-seven is reached. The Committee propose to strike out the words "or surety" in that article. The rest of the second title to remain unchanged.

Respectfully submitted,

[Signed]

J. P. BENJAMIN, Chairman.



## ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of article 113, as reported by the majority of the Committee on General Provisions.

The subjects before the Convention at the moment of adjournment on yesterday, were the amendment of Mr. Eustis, the substitute of Mr. St. Paul, and a call for the previous question by Mr. Lapeyre.

Mr. Lapeyre withdrew his motion for the previous question.

The first question then being on the proposition of Mr. St. Paul, the same was, on motion of Mr. Richardson of O., laid on the table.

The amendment of Mr. Eustis being before the Convention.

Mr. Phillips offered the following sub-amendment to the same, which was accepted by Mr. Eustis, to-wit :

"To secure the amount loaned them by the State."

Mr. Delony offered the following proviso as a sub-amendment to Mr. Eustis' amendment, to-wit :

"Provided that all the liabilities for which the State is now bound for works of Internal Improvements shall be first discharged."

Mr. Roman moved to lay the proviso on the table, which motion prevailed.

Mr. Richardson, of Ouachita, then offered the following substitute to Mr. Eustis' amendment, which was accepted by him, to-wit :

"Provided that in all cases when the credit of the State shall be loaned or given in aid of any individual association or corporation for the above purposes, the State shall be secured by special mortgages on all the works and materials of said associations or corporations."

Mr. Benjamin offered the following substitute to the original article, as reported by the Committee on General Provisions, to-wit :

"The State shall neither become a subscriber to the stock of any individual association or corporation, nor shall it make a loan to or pledge its faith for the benefit of any such association or corporation; but when companies, formed for the exclusive purpose of making works of public improvement, wholly or partially within the State, shall apply for aid, the Legislature shall have power to grant aid to the extent only of one-fifth of the capital of such companies, by subscription of stock or loan of money or public bonds; but any aid thus granted shall be paid to the company only in the same proportion as the remainder of the capital shall be actually paid in by the stockholders of the company, and in case of loan, such adequate security shall be required as to the Legislature may seem proper."

Mr. Harris offered the following amendment to the above substitute, to-wit :

"And this Convention recognizes as works justly entitled to, and that shall equally receive the fostering aid of the State, 'The New Orleans, Jackson and Great Northern Railroad,' 'The New Orleans, Opelousas and Great Western Railroad,' and the proposed railroad from Red River, through the Parishes of this State, contiguous to the line of the State of Arkansas, to the Mississippi River."

Mr. Bullard offered the following sub-amendment to be inserted after the words "Opelousas and Great Western Railroad," in the amendment offered by Mr. Harris :

"Through the valley of Red River to the Texas line, at or near the 32d of north latitude."

Mr. Hernandez called for the previous question, which was carried.

Mr. Dufour moved for a reconsideration of the vote just given on the previous question, which motion prevailed.

The same delegate then moved to lay on the table the amendment offered by Mr. Harris and the sub-amendment offered by Mr. Bullard, which motion prevailed.

Mr. Sandidge asked and obtained leave to have his vote recorded, and voted against the motion of Mr. Dufour to lay the above amendments on the table.

Mr. Herron offered the following amendment to the substitute offered by Mr. Benjamin, to-wit :

"No corporation or individual association instituted for purposes of Internal Improvements, and to which the credit of the State may be loaned or given, or for the benefit of which the faith of the State may be pledged, shall possess banking or discounting privileges."

Mr. Avery moved to lay the amendment on the table.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Campbell, Declouet, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Hays, Hernandez, Hodges, Hunt, Jennings, Lapeyre, Leefe, Leeds, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Mary, Price, Pierson, Richardson of St. Mary, Rixner, Risk, Roman, Staes, Swazey, Tatman and Williams—46 yeas.

And Messrs. Anderson of Carroll, Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Collens, Cotton, Conrad, Dalferes, Delony, Douglass, Dufour, Edwards of Washington, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Isaacks, Jourdan, Jones, Key, King of St. Landry, King of Jackson, LeBlanc, Lobdell, McMillen, Mathews of Point Coupee, Marrero, Moss, Olivier of St. Martin, Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Phillips, Pugh, Richardson Reeves, Roselius, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, Todd, Van Wickle, Villere, Waddill, Whittington and Wilcoxon—69 nays.

Consequently the motion to lay on the table was lost; and on a further motion, the amendment of Mr. Herron was adopted.

Mr. Palfrey moved to strike out from the substitute the words "or partially."

Mr. Simms moved to lay the substitute and amendments on the table, which motion was lost.

Mr. Dufour then moved to lay the amendment of Mr. Palfrey on the table, which motion prevailed.

Mr. Herron offered the following additional amendment to the substitute of Mr. Benjamin :

"This article shall, at the time this Constitution is submitted for approval to the people, be submitted so that a separate vote may be taken on it; if a majority of the qualified electors of the State as ascertained by the census of 1849, vote in favor thereof, it shall be a part of this Constitution; otherwise article 113 of the Constitution of 1845 shall supply its place."

Mr. King, of St. Landry, moved to lay the above amendment on the table, on said motion the yeas and nays were called, and resulted as follows :

Messrs. Adderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declout, Douglass, Dufour,



Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Gardere, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Preaux, Price, Pierson, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St. Paul, Staes, Smart, Swazey, Scarborough, Tatman, Todd, Villere, Williams and Wilcoxon—72 yeas.

And Messrs. Anderson of Carroll, Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Cotton, Dalferes, Delony, Eustis, Farmer, Hatch, Hargis, Herron, Hebert, Hodges, Isaacks, Jourdan, LeBlanc, McMillen, Mathews of P. C., Moss, Pierce, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Shaw, Shelton, Smith of W. F., Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, VanWickle, Waddill and Whittington—42 nays.

Consequently the motion of Mr. King, of St. Landry, prevailed, and the amendment was accordingly laid upon the table.

Mr. King, of St. Landry, called for the previous question, which was carried.

The first question being on the adoption of the proviso previously offered by Mr. Richardson, of Ouachita, to the original article of the report, and accepted by Mr. Eustis,

Mr. Eustis withdrew the same and then offered it as a proviso to the substitute offered by Mr. Benjamin.

On the adoption of said proviso the yeas and nays were called, and resulted as follows :

Messrs. Anderson of Carroll, Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Cotton, Dalferes, Delony, Eustis, Farmer, Hatch, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, King of Jackson, LeBlanc, McMillen, Mathews, Marrero, Mather, Moss, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson of Ouachita, Ronquillo, Sandidge, Shaw, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, VanWickle, Villere, Waddill and Whittington—49 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Gardere, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Preaux, Price, Pierson, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St. Paul, Staes, Smart, Swazey, Scarborough, Tatman, Todd, Williams and Wilcoxon—69 nays.

Consequently the proviso was not adopted.

Mr. Preaux submitted the following as his reasons for the above vote given by him on the adoption of the above proviso, to-wit :

"I vote no, being under the impression that the article 114, as reported by the Committee on General Provisions, will be adopted by this Convention."

[Signed]

R. PREAUX.

The question then being on the adoption of the substitute offered by Mr. Benjamin as amended by Mr. Herron, the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Camp-

bell, Collens, Cotton, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of O, Edwards of Washington, Eggleston, Gardere, Hays, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Parham, Paxton, Preaux, Price, Pierson, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roysden, Robinson, St. Paul, Staes, Smart, Swazey, Scarborough, Tatman, Todd, Villere, Williams—69 yeas.

And Messrs. Anderson of Carroll, Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Dalferes, Delony, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, LeBlanc, McMillen, Mathews of Point Coupee, Marrero, Palfrey, Patterson, Pierce, Phillips, Pugh, Reeves, Roman, Ronquillo, Sandidge, Shaw, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, VanWickle, Waddill and Whittington—46 nays.

Consequently the substitute as amended was adopted.

Mr. Jourdan submitted the following as his reasons for the vote given by him on the adoption of the above substitute, and asked to have the same spread on the journal, which was granted, to-wit :

I vote no, because, first, this Convention has, by its vote, expressed an opinion unfavorable to securing the payment of existing debts due by the State, before pledging its faith for other purposes. Secondly, because there is no guarantee that the bonds and loans granted by the State, will not be used, together with the stock of the incorporation so assisted, as a basis for banking purposes, and thus the State become an involuntary aid to banking companies. Thirdly, because I believe that unless the State is secured by mortgage or otherwise, by a proviso in the Constitution, there is every reason, judging from the experience of the past, to fear that a spirit of speculation will be engendered, based upon the responsibility of the State, and resulting in loss and injury to the people at large. Fourthly, because a healthful spirit of enterprise and internal improvements can only be secured by restrictions upon the Legislature, and protection to the people against the unwarranted abuse of a representative power for the benefit of a very few.

[Signed,]

AUG. W. JOURDAN, of Jefferson.

The Convention then took up for consideration the 114th article, as reported by the majority of the Committee on General Provisions, which reads as follows, to-wit :

Art. 114. No liability shall be contracted by the State as above mentioned, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein, which shall not take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for or against it at such election. And the aggregate amount of debts or liabilities hereafter incurred under this and the preceding article, shall never at any one time exceed the sum of eight millions of dollars.

Mr. St. Paul moved to strike out in the same the words "a majority," and to insert in lieu thereof the words "two-thirds," which motion was lost.

Mr. Martin moved as a sub-amendment to strike out all after the words "specified therein" to the word "election."

Mr. Phillips offered as a substitute for the above article the 114th, as reported by Mr. Eustis on behalf of the



minority of the Committee on General Provisions, to-wit :

Art. 114. The aggregate amount of debts hereafter contracted by the Legislature shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasions or suppress insurrections, unless the same be authorized by some law, for some single object or work, to be distinctly specified therein ; which law shall provide ways and means, by taxations, for the payment of running interest during the whole time for which said debt shall be contracted, and for the full and punctual discharge at maturity of the capital borrowed ; said law shall not be put into execution until after its enactment by a majority of all the members elected to each branch of the General Assembly, and its approval by a majority of the qualified electors of the State, at the general election next ensuing, and then shall be irrevocable until principal and interest be fully paid and discharged.

Mr. Roman moved to lay the substitute upon the table.

On said motion Mr. Phillips called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Brother, Boudousquie, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Farmer, Gardere, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Martin, Olivier of Mary, Palfrey, Paxton, Preaux, Price, Pierson, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St. Paul, Staes, Swazey, Scarborough, Sibley, Tatman, Todd and Williams—68 yeas.

And Messrs. Addison, Beale, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Eustis, Hatch, Hargis, Herron, Hough, Hodges, Isaacks, LeBlanc, Mathews of P. C., Marrero, Moss, Parham, Patterson, Pierce, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Smart, Shelton, Smith of Winn, Simms, Stewart, Talbot, Taliaferro, VanWickle, Villere and Whittington—38 nays.

Consequently the motion prevailed, and the substitute offered by Mr. Phillips was laid upon the table.

The question then being on the adoption of the proposition of Mr. Martin,

Mr. Roman moved to lay the same on the table.

On said motion the yeas and nays were called and resulted as follows :

Messrs. Armant, Addison, Bartlett, Besancon, Beale, Beard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Douglass, Dugue, Edwards of Washington, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, Jones, King of Jackson, LeBlanc, Lobdell, Mathews of P. C., Moss, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Patterson, Preaux, Pierce, Phillips, Pugh, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Roman, Ronquillo, Robinson, Sandidge, St. Paul, Smart, Scarborough, Shelton, Smith of W. F., Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, Todd, VanWickle, Waddill, Villere and Whittington—68 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Bradford, Benjamin, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Duffel, Edwards of Orleans, Eggleston, Gardere, Hays, Hernandez, Hunt, Jennings, Key, King of St. Landry,

Lapeyre, Leefe, Leeds, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Nicholls, Paxton, Price, Pierson, Risk, Roselius, Roysden, Staes, Swazey, Tatman and Williams—45 nays.

Consequently the motion prevailed, and the amendment offered by Mr. Martin was laid upon the table.

Mr. Price moved to strike out the following words in the original article, reported by the majority of the Committee : " for or against it," which motion prevailed, and the words were accordingly stricken out.

Mr. Herron moved to strike out in the above article all after the words " to the people," down to the word " election," and to insert in lieu thereof the following words : " and have received a majority of the votes of all the qualified voters of the State, as ascertained by the most recent census of voters, at the time such vote is taken."

On motion of Mr. Dufour, the above amendment was laid on the table.

Mr. Deloney moved to strike out in the article the word " eight," and to insert the word " five," which motion was lost.

Mr. Hargis then moved to strike out the word " eight," which motion was lost.

Mr. Benjamin offered the following as a substitute to the above article :

Article 114. No liability shall be contracted by the State as above mentioned, unless the same be authorized by some law for some single object, or work, to be distinctly specified therein, which shall not take effect unless passed by a majority of the members elected to both branches of the General Assembly. And the aggregate amount of debts or liabilities hereafter incurred under this and the preceding article, shall never at any one time exceed eight millions of dollars.

Mr. Herron moved to strike out in the above substitute the words " a majority," and to insert in lieu thereof the words " two-thirds."

Mr. Connely moved to lay the motion of Mr. Herron on the table.

On said motion, the yeas and nays were called, and resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Brother, Boudousquie, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Delony, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Mary, Parham, Paxton, Preaux, Price, Pierson, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St. Paul, Staes, Swazey, Scarborough, Tatman, Todd, Villere and Williams—64 yeas.

And Messrs. Anderson of Carroll, Addison, Bartlett, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Edwards of Washington, Eustis, Farmer, Hatch, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, King of Jackson, LeBlanc, McMillen, Mathews of P. C., Moss, Olivier of St. Martin, Palfrey, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson of Ouachita, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith of W. F., Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, VanWickle, Waddill and Whittington—51 nays.

Consequently the motion prevailed and the proposition of Mr. Herron was laid upon the table.

Mr. Preaux presented the following as his reasons for



the above vote given by him, and asked to have the same spread upon the journal, which was granted :

In principle, I am opposed to give to the Legislature the right to pledge the faith of the State, except for public purposes and with the assent of the people ; or otherwise unless the State is perfectly secured and that a majority of the elected members of both houses vote for the measure. The amendment proposed by Mr. Benjamin, containing these requisites, I have no objection to vote for, and consequently, I vote to lay on the table Mr. Herron's amendment. (Signed) R. PREAUX.

Mr. Avery called for the previous question, which was carried.

The question being on the adoption of the substitute offered by Mr. Benjamin,

Mr. Beard called for the yeas and nays, which resulted as follows :

Messrs. Anderson of St. Landry, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Brother, Boudousquie, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Hays, Hernandez, Hunt, Jennings, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Mary, Paxton, Preaux, Price, Pierson, Richardson of St. Mary, Rixner, Risk, Roselius, Roysden, Robinson, St. Paul, Staes, Swazey, Tatman, Todd and Williams—57 yeas.

And Messrs. Anderson of Carroll, Addison, Bartlett, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Edwards of Washington, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, Jones, King of Jackson, Le Blanc, McMillen, Mathews of Point Coupee, Moss, Olivier of St. Martin, Parham, Palfrey, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson of Ouachita, Roman, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, Van Wickle, Waddill and Whittington—56 nays.

Fifty-seven delegates having voted in the affirmative, and fifty-six delegates having voted in the negative, and the President voting nay, declared the question lost, and the substitute offered by Mr. Benjamin was accordingly laid upon the table.

Mr. Connely having voted with the majority on the call for the previous question, moved for a reconsideration of the vote on the previous question.

Pending the consideration of said motion—

Mr. Benjamin moved "that the Convention do now adjourn."

The President having declared the motion of Mr. Benjamin to adjourn out of order—

Mr. Benjamin appealed from the decision of the Chair, and the question being put, "shall the appeal be sustained," the Convention decided in the negative, consequently the decision of the Chair was sustained.

The question then being on the adoption of article 114, as reported by the majority of the Committee on General Provisions, and the yeas and nays having been called for, resulted as follows :

Messrs. Avery, Armant, Addison, Bradford, Bartlett, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Buisson, Byrne, Carter, Cotton, Connely, Dalferes, Delony, Dufour, Dugue, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, Jones, King of St. Lan-

dry, King of Jackson, LeBlanc, Lobdell, McMillen, Mathews of Point Coupee, Moss, Olivier of St. Martin, Olivier of St. Mary, Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson of Ouachita, Roman, Ronquillo, Sandidge, Staes, Smart, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Tatman, Talbot, Taliaferro, Todd, VanWickle, Villere, Waddill, Williams and Whittington—77 yeas.

And Messrs. Anderson of St. Landry, Akenhead, Andrews, Anderson of Carroll, Benjamin, Brother, Boudousquie, Castellanos, Campbell, Collens, Conrad, Declouet, Douglass, Duffel, Edwards of Orleans, Hays, Hernandez, Hunt, Jennings, Key, Lapeyre, Leefe, Leeds, Lyle, McIlhenny, Mathews of Orleans, Martin, Monge, Nicholls, Price, Richardson of St. Mary, Rixner, Risk, Roselius, Roysden, Robinson, St. Paul, Swazey—38 nays.

Consequently the article 114 of majority was adopted as amended.

On motion the Convention adjourned until to-morrow at 9 o'clock A. M.

THURSDAY, July 29, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Woodbridge opened the proceedings with prayer.

Present, Hon. D. F. Kenner, President of the Convention, in the chair, and eighty-two delegates.

The President laid before the Convention a communication from the ladies of the Presbyterian Church, asking the use of the Rotunda of the State House for the purpose of giving an entertainment and concert on Monday, the 2d day of August.

Mr. Benjamin, on behalf of the Committee on Style, submitted the following report :

The Committee on Style respectfully report that they have no change to recommend in Title Three, Executive Department.

In Title Four, Judiciary Department, the only change recommended is in the phraseology of article 68, which they propose as follows :

Article 68. Any vacancy that may occur in the Supreme Court, from resignation or otherwise, shall be filled by election for the remainder of the unexpired term, but if such remainder do not exceed one year the vacancy shall be filled by Executive appointment.

In Title Five, Impeachment, the committee propose no change.

Respectfully submitted,

J. P. BENJAMIN, Chairman.

On motion the above report was concurred in.

Mr. Phillips offered the following additional article :

Article—. Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion, or suppress insurrection, they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal, when the same shall become due.

And said law shall be irrevocable until principal and interest are fully paid and discharged.

On motion of Mr. Connely the above article was laid on the table, subject to call.



Mr. Roman offered the following resolution :

*Resolved*, That the Convention will hereafter hold afternoon sessions, commencing at 5 p. m., and that when the Convention adjourn this morning it adjourn to 5 o'clock p. m.

Mr. Sandidge moved to strike out in the above resolution "5 o'clock," and to insert "6 o'clock."

Mr. Connely moved to lay the resolution and amendment on the table.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Addison, Castellanos, Connely, Hatch, Hays, Hargis, Herron, Hernandez, McMillen, Ronquillo, Staes, Shaw, Scarborough, Tatman, Talbot, Waddill and Whittington—17 yeas.

And Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Bradford, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Carter, Collens, Cotton, Conrad, Delony, Deelouet, Dufour, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Harris, Hough, Hodges, Hunt Isaacks, Jennings, Jourdan, Jones, Key, King of Jackson, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of P. C., Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Phillips, Pugh, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Robinson, Sandidge, Smart, Shelton, Smith of West Feliciana, Smith of Winn, Simms, Stewart, Taliaferro, Todd, Van Wickle, Villere, Williams and Wilcoxon—83 nays.

Consequently the motion was lost, and the resolution was not laid on the table.

Mr. Roman then moved to lay upon the table the amendment offered to the above resolution by Mr. Sandidge, which motion prevailed, and the amendment accordingly was laid upon the table ; and on a further motion, the resolution was adopted without amendment.

Mr. Palfrey presented the following as his reasons for the vote given by him on yesterday, on the substitute offered by Mr. Benjamin to article 114, as reported by the majority of the Committee on General Provisions, and asked that the same should be spread on the journal, which was granted :

JULY 29, 1852.

I voted on yesterday against the substitute of Mr. Benjamin, of Orleans, to the article 114 as proposed by the Committee on General Provisions, for the reason that, inasmuch as the next preceding article adopted by the Convention gives authority incidentally for pledging the credit of the State of Louisiana in aid of works of internal improvement, beyond the limits of the State, I consider that a restriction requiring the consent of the people to such a pledge for a specific purpose is essential to preserve such authority from abuse.

[Signed]

W. T. PALFREY.

Mr. Pierson having on yesterday voted with the majority against the adoption of the article offered by Mr. Waddill, under the head of General Provisions, moved for a reconsideration of the same, which motion was lost.

Mr. Shaw offered the following resolution, which reads as follows, to-wit :

*Resolved*, That ten thousand copies of the Constitution be printed in English, and five thousand copies in French, for distribution in the several Parishes of this State.

Mr. Staes moved to strike out "five" and insert "ten," which motion was lost ; and,

On motion the resolution was adopted without amendment.

On motion of Mr. Phillips, the Convention took up for consideration the article previously offered by him this morning, and which was, on motion of Mr. Connely, laid on the table subject to call.

The article being read, Mr. Phillips moved for its adoption. On said motion the yeas and nays were called, and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Addison, Bradford, Bartlett, Benjamin, Besancon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Carter, Cotton, Connely, Conrad, Delony, Deelouet, Douglass, Dufour, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Gaion, Hatch, Hays, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King of Jackson, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Mather, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, Staes, Smart, Swazey, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Tatman, Talbot, Taliaferro, Todd, Villere, Waddill, Williams, Whittington and Wilcoxon—103 yeas ; and

Messrs. Armant, Castellanos, Collens Jones and Sibley—5 nays.

Consequently the motion prevailed, and the article was adopted

Mr. McMillen offered the following resolution, which being read, was on motion laid on the table.

*Resolved*, That in taking the census of this State, it shall be the duty of officers appointed for that purpose, to exclude aliens, and all other persons who are not permanent residents of this State.

On motion of Mr. King, of St. Landry, the Convention took up for consideration the majority report of the special committee appointed to district the State judicially.

The report being read, Mr. Phillips offered the following as a substitute to the same, to-wit :

FIRST DISTRICT.—That part of the Parish of Orleans situated on the left bank of the river, except Lafayette.

SECOND DISTRICT.—Jefferson, Lafayette included ; that part of the Parish of Orleans on the right bank, St. John Baptist, St. Charles, St. James, Ascension, East Baton Rouge, East Feliciana, West Feliciana, Livingston, St. Helena, St. Tammany, Washington, St. Bernard, Plaquemines.

THIRD DISTRICT.—Assumption, West Baton Rouge, Iberville, Pointe Coupee, Lafourche, Terrebonne, Avoyelles, Calcasieu, Lafayette, Sabine, St. Landry, St. Martin, St. Mary, Vermillion.

FOURTH DISTRICT.—Madison, Ouachita, Union, Tensas, Rapides, Natchitoches, Morehouse, Jackson, Winn, Franklin, DeSoto, Concordia, Claiborne, Catahoula, Carroll, Caldwell, Caddo, Bossier, Bienville.

Mr. Bradford moved to lay the substitute on the table, which motion prevailed.



Mr. Bradford then offered the following as a substitute for the report of the majority of said select committee, to wit :

FIRST DISTRICT.—The Parishes of Plaquemines, St. Bernard. That portion of the Parish of Orleans on the right bank of the Mississippi, and that portion of the city of New Orleans which lies below the line extending from the river Mississippi along the middle of Julia street until it strikes the New Orleans Canal, and thence down said canal to the Lake.

SECOND DISTRICT.—That portion of the city of New Orleans, which is situated above the line extending along the middle of Julia street until it strikes the New Orleans Canal and thence down said canal to the Lake and the Parishes of Jefferson, St. John the Baptist, St. Charles, St. James, Ascension, Assumption, Lafourche, Terrebonne, West Baton Rouge and Iberville.

THIRD DISTRICT.—The Parishes of St. Tammany, Washington, Livingston, St. Helena, East Baton Rouge, East Feliciana, West Feliciana, Pointe Coupee, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, St. Mary, St. Martin and St. Landry.

FOURTH DISTRICT.—The Parishes of Calcasieu, Rapides, Sabine, Natchitoches, DeSoto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll and Winn.

On motion, the above substitute was adopted without amendment.

Mr. Williams having, on yesterday, voted with the majority on the adoption of article 114, as reported by the majority of the Committee on General Provisions, moved for a reconsideration of the same.

On said motion Mr. Waddill called for the yeas and nays, which resulted as follows :

Messrs. Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquie, Buisson, Castellanos, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of O., Eggleston, Gardere, Guion, Hays, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Paxton, Preaux, Price, Pierson, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roysden, Staes, Swazey, Scarborough, Stewart, Tatman, Todd, Williams, and Wilcox—61 yeas.

And Messrs. Anderson of Carroll, Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Cotton, Delferes, Delony, Edwards of Washington, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, King of Jackson, McMillen, Mathews of P. C., Moss, Olivier of St. May, Palfrey, Pierce, Pugh, Reeves, Roman, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith of W. F., Smith of Winn, Simms, Talbot, Taliaferro, Villere, Waddill and Whittington—46 yeas.

Consequently the motion prevailed, and the reconsideration was granted.

Mr. Williams then offered the following as a substitute to said article :

Art. 114. No liabilities shall be contracted by the State as above mentioned, unless the same be authorized by some law for some single object or work, to be distinctly specified therein, which shall be passed by a majority of the members elected to both houses of the General Assembly, and the aggregate amount of debts or liabilities incurred under this and the preceding article, shall never at

any one time, exceed the sum of eight millions of dollars.

Mr. Richardson, of Ouachita, moved to insert after the words "three-fifths" the following words "of the members elected," which motion was lost.

Mr. Hatch asked to have his vote recorded, and voted in favor of the proposition of Mr. Richardson, of O.

Mr. Hargis offered the following proviso to be inserted at the end of the substitute :

"Provided that two millions shall be reserved for the contemplated Northern Railroad to run from the Mississippi river to Shreveport."

On motion, the proviso was laid on the table.

Mr. Sandidge offered the following amendment, to be inserted after the words "General Assembly :"

"And shall have been submitted to the people at a general election, and been sanctioned by a majority of all the votes cast at such election."

Mr. Nicholls moved to lay the amendment on the table.

On said motion the yeas and nays were called and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquie, Buisson, Castellanos, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hays, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Paxton, Preaux, Price, Pierson, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roysden, Staes, Swazey, Scarborough, Tatman, Todd, Williams and Wilcox—60 yeas.

And Messrs. Anderson of Carroll, Addison, Bartlett, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Delferes, Delony, Edwards of Washington, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, King of Jackson, Le Blanc, McMillen, Mathews of Point Coupee, Moss, Palfrey, Patterson, Pearce, Phillips, Pugh, Reeves, Roman, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, Van Wickle, Villere, Waddill and Whittington—53 yeas.

Consequently the motion prevailed, and the amendment was accordingly laid on the table.

Mr. Scarborough having voted with the majority on the adoption of the above substitute, moved for a reconsideration of the same.

On said motion Mr. Waddill called for the yeas and nays, which resulted as follows :

Messrs. Anderson of Carroll, Addison, Besancon, Beale, Beard, Bienvenu, Boyer, Carter, Delferes, Delony, Edwards of Washington, Eustis, Farmer, Hatch, Herron, Hebert, Hough, Hodges, Isaacks, King of Jackson, LeBlanc, Mathews of Point Coupee, Marrero, Moss, Patterson, Phillips, Pugh, Reeves, Richardson of Ouachita, Ronquillo, Smart, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, Van Wickle, Villere, Waddill and Whittington—44 yeas.

And Messrs. Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquie, Bullard, Buisson, Castellanos, Collens, Cotton, Connely, Conrad, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hays, Harris, Hargis, Hernandez, Hunt, Jennings, Jourdan, Jones,



Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Martin, Mather, Monge, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pierce, Pierson, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Staes, Swazey, Tatman, Todd, Williams and Wilcoxon—67 nays.

Consequently the motion was lost, and the reconsideration was not granted.

The following named Delegates submitted the following as their reasons, for the vote given by them respectively, on the motion to adopt the substitute offered by Mr. Williams, to article 114 of the majority report of the Committee on General Provisions.

"I vote no, because I deem it highly improper in this Convention to enable the Legislature to pass any law, of the kind now contemplated, unless the same be previously submitted to the people of the State."

[Signed] A. J. ISAACKS.

"I vote against the substitute, because I prefer the original article 114, reported by the Committee."

[Signed] J. R. SMART.

"I vote nay, because I believe that a majority of the people of Louisiana are decidedly opposed to granting to the Legislature, under any circumstances, the power to pledge or lend the faith or credit of the State in favor of any individual association or corporation. Because I believe that the people of Louisiana would approve by a distinct vote the giving the credit of the State in aid of any practicable and useful public work. Knowing the will of my constituents, I believe it my duty to obey it.

[Signed] JAMES G. TALIAFERRO.

For the reasons assigned by Jas. G. Taliaferro, I vote nay on the adoption of the substitute offered by Mr. Benjamin, giving the Legislature the power to pledge the faith of the State, without referring the same to the people.

[Signed] WADE H. HOUGH.

The 121st article of the Constitution having been referred to the Committee on General Provisions, and said Committee in the report of the majority, now under consideration, suggested the propriety of striking out the same.

Mr. Conrad offered the following substitute in lieu thereof:

Art. 121. The State shall not become subscriber to the stock of any Corporation or Joint Stock Company created or established for Banking purposes, nor pledge the faith of the State for the benefit of any such company.

Mr. Dufour moved to reject the 121st article of the Constitution, and to lay on the table the substitute offered by Mr. Conrad.

On said motion Mr. Conrad called for the yeas and nays, which resulted as follows:

Messrs. Akenhead, Avery, Andrews, Armant, Bernard, Brother, Boudousquie, Buisson, Castellanos, Collens, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Hernandez, Hunt, Key, Lapeyre, Leefe, Leeds, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Nicholls, Olivier of St. Mary, Preaux, Price, Richardson of St. Mary, Rixner, Risk, Roman, St. Paul, Staes, Swazey, Tatman, Villere and Williams—42 yeas.

And Messrs. Addison, Bradford, Bartlett, Benjamin, Besancon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Conrad, Dalferes, Delony, Douglass, Edwards of Washington, Farmer, Hatch, Hays, Harris, Hargis, Herron, Hebert, Hodges, Isaacks, Jourdan, Jones, King of St. Landry, King of Jackson, LeBlanc, Lobdell, Lyle, McMillen,

Mathews of Point Coupee, Moss, Palfrey, Paxton, Patterson, Pierce, Pierson, Phillips, Pugh, Reeves, Roselius, Roysden, Ronquillo, Sandidge, Smart, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Stewart, Talbot, Taliaferro, Van Wickle, Waddill and Whittington—62 nays.

Consequently the motion of Mr. Dufour was lost.

And on motion of Mr. Conrad the substitute offered by him was adopted.

On the 122d article, as reported by the majority of the Committee on General Provisions, being taken up and read as follows, to-wit:

Article 122 Corporations with banking or discounting privileges may be either created by special acts, or formed under general laws; but the Legislature shall in both cases provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

Mr. Eustis moved to strike out all the words from the beginning of the article to the word laws inclusive, and to insert in lieu thereof the following words: "Corporations with banking or discounting privileges shall not be created by special laws, but may be formed under general laws;" and also to strike out the words "in both cases."

Mr. Swazey offered the following as a substitute to the above article:

"Corporations with banking or discounting privileges may be either created by special acts or formed under general laws, provided that the faith of the State shall not be pledged therefor."

Pending which, on motion the Convention adjourned until 5 o'clock P. M.

#### EVENING SESSION.

THURSDAY, July 29, 1852—5 o'clock P. M.

The Convention met pursuant to adjournment.

Present: Hon. D. F. Kenner, President of the Convention, in the chair, and eighty-nine delegates.

On motion, leave of absence was granted to the following named delegates, to wit: Messrs. Byrne, Robinson, and Anderson, of St. Landry.

On motion of Mr. Bienvenu, the reading of the journal was dispensed with.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of the report of the majority of the Committee on General Provisions.

The 122d article of said report being before the Convention at the time of adjournment, also the amendment of Mr. Eustis and the substitute of Mr. Swazey.

The substitute offered by Mr. Swazey being first in order, and the question being on its adoption, Mr. Roman moved to lay the same on the table.

On said motion, Mr. Akenhead called for the yeas and nays, which resulted as follows:

Messrs. Avery, Anderson of Carroll, Armant, Addison, Bradford, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Boyer, Buisson, Bullard, Castellanos, Carter, Collens, Cotton, Conrad, Dalferes, Delony, Declouet, Douglass, Dufour, Dugue, Duffel, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hays, Harris, Hargis, Herron, Hebert, Hough, Hunt, Isaacks, Jennings, Jones, King of Jackson, Key, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Mather, Moss, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson



of Ouachita, Rixner, Risk, Roselius, Roman, Ronquillo, Sandidge, St. Paul, Staes, Smart, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Tatman, Talbot, Taliaferro, Thompson, Todd, Van Wickle, Villere, Waddill and Whittington—95 yeas.

And Messrs. Akenhead, King of St. Landry, Martin, Monge, Nicholls, Richardson of St. Mary, Roysden, Swazey—8 nays.

Consequently the motion prevailed, and the substitute was laid upon the table.

The question being then on the adoption of the amendment offered by Mr. Eustis,

Mr. Roman moved to lay the same on the table.

On said motion Mr. Carter called for the yeas and nays, which resulted as follows :

Messrs. Akenhead, Avery, Anderson of Carroll, Armant, Bartlett, Benjamin, Bernard, Brother, Boudousquie, Buisson, Castellanos, Collens, Conrad, Dalferes, Declouet, Douglass, Dufour, Dugue, Duffel, Eggleston, Farmer, Gardere, Guion, Hays, Harris, Hunt, Isaacks, Jennings, Jones, King of St. Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pugh, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, St. Paul, Staes, Swazey, Shaw, Scarborough, Smith of West Feliciana, Tatman, Thompson, Todd, Williams, Whittington and Wilcoxon—69 yeas.

And Messrs. Addison, Bradford, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Delony, Edwards of Washington, Eustis, Hatch, Hargis, Herron, Hebert, Hough, Jourdan, King of Jackson, Mathews of Point Coupee, Mather, Moss, Pierce, Phillips, Reeves, Richardson of Ouachita, Ronquillo, Sandidge, Smart, Shelton, Smith of Winn, Sibley, Simms, Talbot, Taliaferro, Van Wickle, Villere and Waddill—38 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

Mr. Taliaferro offered the following as a substitute to the original article, as reported by the majority of the committee, to-wit :

“No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, except under a *general law* of the Legislature, which shall be first submitted to the people and approved by a majority of the voters of the State.”

Mr. St. Paul moved to lay the substitute upon the table.

On said motion Mr. Taliaferro called for the yeas and nays, which resulted as follows :

Messrs. Akenhead, Avery, Anderson of Carroll, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquie, Bullard, Buisson, Castellanos, Collens, Cotton, Conrad, Dalferes, Declouet, Douglass, Dufour, Dugue, Duffel, Eggleston, Farmer, Gardere, Guion, Hays, Harris, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, Lobdell, LeBlanc, Lyle, McIlhenny, McMillen, Mathews of Orleans, Martin, Monge, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pierson, Pugh, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Roysden, Sandidge, St. Paul, Staes, Swazey, Shaw, Scarborough, Smith of West Feliciana, Tatman, Thompson, Todd, Williams and Whittington—70 yeas.

And Messrs. Addison, Beale, Beard, Bienvenu, Boyer, Carter, Delony, Edwards of Washington, Hatch, Hargis, Herron, Hebert, Hough, Isaacks, Jourdan, King of Jackson, Mathews of Point Coupee, Mather, Moss, Patterson,

Pierce, Phillips, Richardson of Ouachita, Ronquillo, Smart, Shelton, Smith of Winn, Sibley, Simms, Talbot, Taliaferro, VanWickle, Villere, Waddill and Whittington—35 nays.

Consequently the motion prevailed and the substitute offered by Mr. Taliaferro was laid upon the table.

Mr. Swazey moved to lay on the table article 122, reported by the majority of the Committee on General Provisions.

On said motion, the yeas and nays were called for and resulted as follows :

Messrs. Akenhead, Boyer, Isaacks, King of St. Landry, King of Jackson, Martin, Monge, Nicholls, Phillips, Richardson of St. Mary, Roysden, Swazey, Shelton—13 yeas.

And Messrs. Avery, Anderson of Carroll, Armant, Addison, Dradford, Bartlett, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Castellanos, Carter, Collens, Conrad, Cotton, Dalferes, Delony, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Washington, Eustis, Eggleston, Farmer, Gardere, Guion, Hatch, Hays, Harris, Hargis, Herron, Hebert, Hough, Hodges, Hunt, Jennings, Jourdan, Jones, Key, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Mather, Moss, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pearce, Pierson, Pugh, Reeves, Richardson of Ouachita, Rixner, Risk, Roselius, Roman, Ronquillo, Sandidge, St Paul, Staes, Smart, Shaw, Scarborough, Smith of West Feliciana, Smith of Winn, Sibley, Simms, Tatman, Talbot, Taliaferro, Thompson, Todd, Van Wickle, Villere, Waddill, Williams, Whittington and Wilcoxon—96 nays.

Consequently the motion was lost and the article was not laid upon the table.

Mr. Phillips offered the following substitute to the original article, to-wit :

“Corporations shall not be created in this State by special laws, except for political or municipal purposes. The Legislature shall provide by general laws for the organization of all other corporations.”

Mr. Hargis offered the following amendment, to be inserted at the end of the original article :

“And that no bank shall ever be authorized to issue more than the amount of capital actually paid in.”

Pending which Mr. Declouet called for the previous question, which was ordered.

The first question being on the substitute offered by Mr. Phillips, the same was decided in the negative.

Consequently the substitute was laid on the table.

The next question before the Convention being the amendment offered by Mr. Hargis, the same was also laid on the table.

The question then before the Convention being the adoption of the original article, as reported by the majority of the Committee on General Provisions, the same was adopted without amendment.

The 123d article being taken up and read as follows, was on motion adopted without amendment :

Art. 123. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

The 124th article was taken up and read as follows, to-wit :

Art. 124. In case of insolvency of any bank or banking



association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Mr. Cotton offered the following, to be inserted at the end of the article, to wit :

"The stockholders in every corporation and joint stock company, for banking purposes, issuing bank notes or any kind of paper credits, to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind."

Mr. St. Paul moved to lay the amendment on the table, which motion prevailed.

Mr. Jennings then offered the following amendment, which was also laid upon the table :

"All Banks shall be opened to inspection of their books, papers and accounts under such regulations as may be prescribed by law."

On motion of Mr. Roman, the original article as reported by the majority of the Committee, was adopted without amendment.

Mr. Martin offered the following additional article, which reads thus :

ART. — "In all cases when the Legislature shall either by general or special law authorize the establishment of a corporation with banking powers, it shall require the company to establish at least one branch out of the Parish of Orleans."

Mr. St. Paul moved to lay the above additional article on the table.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Avery, Anderson of Carroll, Armant, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Castellanos, Carter, Collens, Cotton, Declouet, Douglass, Dufour, Dugue, Edwards of Washington, Eggleston, Eustis, Farmer, Gardere, Guion, Hatch, Hays, Harris, Hargis, Herron, Heqert, Hough, Hodges, Hunt, Jennings, Jones, King of St. Landry, King of Jackson, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mather, Paxton, Patterson, Preaux, Price, Peirce, Pierson, Phillips, Pugh, Rceves, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquillo, Sandidge, St. Paul, Staes, Smart, Shaw, Smith of W. F., Smith of Winn, Sibley, Tatman, Talbot, Taliaferro, Thompson, Villere, Williams and Wilcoxon—80 yeas.

And Messrs. Akenhead, Beard, Boyer, Conclly, Dalferes, Duffel, Isaacks, Key, LeBlanc, McMillen, Mathews of P. C., Martin, Moss, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Roysden, Swazey, Scarborough, Shelton, Simms, Todd, VanWickle, Waddill and Whittington—26 nays.

Consequently the additional article was laid on the table.

Mr. Eustis offered the following additional article, to wit :

Article —. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where in the judgment of the Legislature the objects of the corporation cannot be attained under general laws.

On motion, the above article was laid on the table.

The 125th article being taken up, and read follows, to wit :

Article 125. The Legislature shall have power to pass such laws as it may deem expedient for the relief and revival of the Citizens' Bank of Louisiana, and the acts already passed for the same purpose are ratified and confirmed.

Mr. Simms offered the following proviso, which was, on motion, adopted :

Provided that the said Bank is subjected to the restrictions contained in articles 123 and 124.

On motion, the original article as amended was then adopted.

On motion, the Convention adjourned until to-morrow, at 9 o'clock A. M.

FRIDAY, July 30, 1852.

The Convention met pursuant to adjournment.

The Rev. Mr. Crenshaw opened the proceedings with prayer.

Present, Hon. D. F. Kenner, President of the Convention, in the Chair, and ninety-one delegates.

The President laid before the Convention a communication from Mr. J. S. Barrows and others, extending to this Convention an invitation to attend a whig ratification meeting and barbecue, in the vicinity of the town of Baton Rouge, on Monday next, the 2d day of August.

On motion of Mr. Beale the invitation was accepted.

Mr. Paxton presented to the Convention the credentials of Mr. A. Toulouse, member elect from the Parish of Lafayette.

Mr. Pugh offered the following resolution, which being read, was on motion adopted :

*Resolved*, That the Postmaster of this Convention be continued in office for the term of twenty days after the adjournment, for the purpose of forwarding the papers and letters to the address of members.

Mr. St. Paul offered the following additional article, to be inserted after article 130 of the Constitution already adopted, to-wit :

Article —. The office of any State officer, member of the General Assembly, or of any other person holding office of profit or trust under this Constitution and the laws made in pursuance thereof, shall be *ipso facto* vacated by the fact of any such person committing the offence mentioned in article 130, and the Legislature shall provide by law for the ascertaining and declaration of such forfeiture.

On motion the above article was adopted.

Mr. Richardson, of Ouachita, offered the following resolution, which being read, was on motion adopted :

*Resolved*, That the Journal of Debates of this Convention, when printed, shall be deposited in the State Library, to be disposed of in the following manner: One copy to each member and officer of this Convention; one copy to each Parish in the State, to be delivered on the order of the Clerk of the District Court; one copy to each of the public libraries in the State; one copy to each State in the Union—the remainder to be disposed of by the State Librarian, on such terms as the Legislature may direct.

Mr. Jennings offered the following resolutions, which being read, were, on motion of the same delegate, laid on the table subject to the call of the Convention :



1. Resolved, That a period not to exceed thirty days after the adjournment of this Convention be allowed to the Reporter of this House, to enable him to complete the duties devolving on him, and the per diem compensation therefor to be paid by the Treasurer upon his warrant countersigned by the Secretary.

2. Resolved, That the Secretary, Assistant Secretary and such other Clerks of the Convention as the Secretary may require, be continued in their duties for a period not to exceed ——— days after the adjournment of this Convention, to complete the labors devolving upon them, and that the Secretary be directed to superintend the printing and distribution of the Debates and Constitution, and completion of the Journals, and that the compensation therefor be paid by the Treasurer upon the warrant of the Secretary.

Mr. Benjamin having on yesterday voted in the majority "on the adoption of the additional article offered by Mr. Phillips, under the head of General Provisions, and adopted by this Convention," moved for a reconsideration of the same, which was ordered.

The said article being then before the Convention,

Mr. Benjamin offered the following amendment, to be inserted at the end thereof, to wit :

"Or unless the repealing law contain some other adequate provision for the payment of the principal and interest of the debt."

On motion, the amendment was adopted ; and on a further motion, the article as amended was re-adopted.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the Consideration of the report of the majority of the Committee on General Provisions.

The 7th title, under the head of Internal Improvements, as reported by said Committee, being before the Convention, and read as follows, to wit :

#### TITLE VII.

##### INTERNAL IMPROVEMENTS.

Article —. There shall be a Board of Public Works, to consist of four Commissioners. The State shall be divided into four Districts, containing as nearly as may be an equal number of voters, and one Commissioner shall be elected in each District, for the term of four years ; but, of the first elected, two, to be designated by lot, shall remain in office for two years only.

Art. —. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners and the organization of the Board. The Commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

Art. —. The Commissioners shall exercise a diligent and faithful supervision of all public works in which the State may be interested. They shall communicate to the General Assembly, from time to time, their views concerning the same, and recommend such measures as they may deem necessary, in order to employ to the best advantage and for the purposes for which they were granted, the swamps and overflowed lands conveyed by the United States to this State. They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

Art. —. The Commissioners may be removed by the concurrent vote of a majority of all the members elected to each House of the General Assembly ; but the cause

of the removal shall be entered on the journal of each House.

Art. —. The General Assembly shall have power, by a vote of three-fifths of the members elected to each House, to abolish said Board, whenever in their opinion a Board of Public Works shall no longer be necessary.

Mr. Williams offered the following substitute for the 1st and 2d article of the above report, under the head of Internal Improvements, to wit :

Art. —. There shall be a board of Internal Improvements. The General Assembly shall, at its first session after the adoption of this Constitution, divide the State into three Internal Improvement Districts, and one Commissioner shall be elected in each District for two years.

Art. —. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the election of the Commissioners and organization of the Board, and shall provide for the compensation of said Commissioners, which compensation shall not be increased nor reduced during their term of office.

Mr. Williams also moved to insert after the word "Commissioners," in the 3d article of the report, the words "the Board of Internal Improvements and Public Works"; and also to insert in the 4th article, after the word "Commissioners," the following words : "the State Engineer, Surveyor General and Commissioners."

The same delegate also offered the following as an additional article, to wit :

Art. —. The General Assembly shall, at its first session after the adoption of the Constitution, provide for the election of a State Engineer and Surveyor General, who shall hold their offices for the term of two years, and shall fix the compensation of said Engineer and Surveyor, which shall not be increased or reduced during their term of office, and the said State Engineer, Surveyor and Commissioners, shall compose the Board of Internal Improvement and Public Works.

Mr. Key moved to amend the substitute offered by Mr. Williams by striking out the words "Engineer and Surveyor General."

Mr. Roman moved to lay the substitute, amendment and sub-amendment, on the table, which motion prevailed.

Mr. Jennings offered the following articles as a substitute for articles one and two of the majority report, under the head of Internal Improvements :

##### INTERNAL IMPROVEMENTS.

Article 1. There shall be a Board of Public Works, to consist of three Commissioners. The State shall be divided into three Districts, entitled First, Second and Third, containing as nearly as may be an equal number of voters. The term of office of the member to be elected in the First District shall be for one year ; that in the Second for two years, and that in the Third for three years, so that one member of said Board shall be annually elected, who shall hold his office for three years. This Board to continue so long as the public works in which the State is interested require superintendence.

Article 2. The General Assembly, at its first session after the adoption of this Constitution, shall prescribe the powers and duties of said Board, particularly directing their attention to employ to the best advantage the swamp and overflowed lands conveyed by the United States to this State. The General Assembly shall moreover provide for the compensation and election of the members com-



posing said Board, and for filling all vacancies occurring therein.

Mr. Simms offered the following resolution :

GENERAL PROVISIONS—INTERNAL IMPROVEMENTS.

Resolved, That it shall be the duty of the Legislature, at the first session after the adoption of this Constitution, to create an Internal Improvement Department, for the purpose of preventing the inundations of the alluvial lands of the State and developing its resources and facilities for communication. The Legislature shall have power to discontinue said Department, if at any future period its continuance should be deemed unnecessary.

Mr. Sandidge offered the minority report, signed by Messrs. Van Wickle and Delony, as a substitute for the report of the majority of the Committee on General Provisions now under consideration, to-wit :

The General Assembly shall, at its first session after the adoption of this Constitution, create a Levee or Internal Improvement Department, for the purpose of protecting the low lands of this State from inundation, predicated upon a pledge of the swamp lands, which have been donated to the State by the United States ; the proceeds of sales of which lands to be used for that purpose only. And the General Assembly shall make all laws necessary for the sale of said lands, and also enact a general system of levees, dykes, outlets, etc., under the superintendence of Engineers or Commissioners, or such other officers of this State as they may deem necessary for the protection of said lands.

Mr. Connely moved to adopt the first article of title seven, as reported by the majority of the Committee on General Provisions.

Mr. Preaux called for the previous question, which was ordered.

The questions being on the propositions offered by Messrs. Jennings, Simms and Sandidge, the same were severally laid on the table.

The next question in order being the motion of Mr. Connely to adopt the first article of the report of the majority,

Mr. Smart, on said motion, called for the yeas and nays, which resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Bradford, Benjamin, Besancon, Bernard, Bienvenu, Brother, Boudousquie, Bullard, Buisson, Byrne, Castellanos, Cotton, Connely, Conrad, Dalferes, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Guion, Hayes, Hebert, Hernandez, Hunt, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pugh, Richardson of Ouachita, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staes, Swazey, Scarborough, Smith of West Feliciana, Sibley, Simms, Stewart, Tatman, Talbot, Thompson, VanWickle, Villere, Waddill, Williams and Whittington—79 yeas.

And Messrs. Addison, Beale, Carter, Delony, Declouet, Douglass, Farmer, Hatch, Harris, Hargis, Herron Hough, Hodges, King of Jackson, Leeds, McMillen, Pierce, Phillips, Reeves, Sandidge, Smart, Shaw, Shelton, Smith, Taliaferro, Toulouse, Todd—27 nays.

Consequently the article, as reported by the Committee on General Provisions, was adopted without amendment.

The second article of the above report being taken up, was also adopted without amendment.

On the third article being read as follows, to-wit :

Article —. The Commissioners shall exercise a diligent and faithful supervision of all public works in which the State may be interested. They shall communicate to the General Assembly, from time to time, their views concerning the same, and recommend such measures as they may deem necessary, in order to employ to the best advantage and for the purposes for which they were granted, the swamps and overflowed lands conveyed by the United States to this State. They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

Mr. Todd moved to insert after the word "interested," the words "and of all navigable rivers, bayous and public roads in their respective districts," and to insert also after the words "to this State," the following words : "And for the improvement of said rivers and bayous and public roads."

Mr. Martin offered as a sub-amendment to insert after the word "interested," the following words : "Except those made by Joint Stock Companies."

Mr. Roman moved to lay the amendments offered by Mr. Todd on the table.

On said motion the yeas and nays were called and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Anderson, Armant, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquie, Byrne, Carter, Cotton, Connely, Declouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hays, Hernandez, Hunt, Jennings, Jones, Key, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Marrero, Martin, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pierce, Richardson of St. Mary, Rixner, Risk, Roselius, Roman, Staes, Swazey, Shaw, Sibley, Stewart, Tatman, Talbot, Toulouse, Van Wickle, Villere and Waddill—63 yeas.

Messrs. Addison, Beale, Bullard, Buisson, Castellanos, Delony, Douglass, Edwards of Washington, Farmer, Hatch, Harris, Hargis, Hebert, Herron, Hough, Hodges, LeBlanc, Mathews of Point Coupee, Patterson, Phillips, Pugh, Richardson of Ouachita, Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith of Winn, Simms, Thompson, Todd, Williams and Whittington—33 nays.

Consequently the motion prevailed, and the amendment was laid on the table.

The question being put by the President on the adoption of the proposition of Mr. Martin, the same was decided in the affirmative, consequently the amendment was adopted.

Mr. Douglass offered the following proviso, to be inserted at the end of the article, to wit :

"Provided, That the Commissioner in each District shall have the appointment of the officers within that District."

Mr. Roman moved to lay the proviso on the table, which motion prevailed.

Mr. Richardson, of Ouachita, moved to strike out all the words after "necessary" to the words "to this State."

Mr. Roman moved to lay the amendment on the table.

On said motion the yeas and nays were called for and resulted as follows :

Messrs. Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquie,



Buisson, Byrne, Castellanos, Cotton, Connelly, Conrad, Deelouet, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hays, Hunt, Jennings, Jones, Key, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Paxton, Preaux, Price, Pugh, Reeves, Rixner, Risk, Roselius, Roman, St. Paul, Staes, Shaw, Smith, Simms, Stewart, Talbot, Taliaferro, Toulouse, Van Wickle, Villere and Williams—66 yeas.

And Messrs. Anderson, of Carroll, Beale, Delony, Douglass, Edwards of Washington, Farmer, Hatch, Harris, Herron, Hodges, King of Jackson, McMillen, Patterson, Pearce, Richardson of Ouachita, Roysden, Ronquillo, Smart, Scarborough, Shelton, Smith of Winn, Sibley, Thompson, Todd, Waddill and Whittington—27 nays.

Consequently the motion prevailed and the amendment was laid upon the table.

Mr. Delony offered the following proviso, which being read, was, on motion, laid on the table, to wit :

Provided that no other of the public moneys but those arising from the said swamp or overflowed lands shall be applied to the purposes herein designated.

On motion, the original article as amended was adopted.

Messrs. Richardson, of O., and Todd asked to have their votes recorded against the adoption of the above article.

The fourth article being read, was, on motion, adopted without amendment.

On the fifth article of the report being taken up, was read as follows, to wit :

Article —. The General Assembly shall have power, by a vote of three-fifths of the members elected to each House, to abolish said Board, whenever in their opinion a Board of Public Works shall no longer be necessary.

Mr. Todd moved to strike out "three-fifths," and insert in lieu thereof the word "majority."

On motion to adopt the above amendment, Mr. Smart called for the yeas and nays.

Messrs. Addison, Bradford, Beale, Byrne, Deelouet, Delony, Douglass, Edwards of Washington, Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, King of Jackson, Leeds, McMillen, Paxton, Patterson, Price, Pierce, Phillips, Reeves, Richardson of Ouachita, Richardson of St. Mary, Roysden, Sandidge, Smart, Shelton, Smith of Winn, Taliaferro, Thompson, Todd—34 yeas.

And Messrs. Akenhead, Avery, Andrews, Armant, Benjamin, Besancon, Bernard, Bienvenu, Brother, Boudousquie, Boyer, Buisson, Castellanos, Cotton, Conrad, Dalferes, Dufour, Dugue, Duffel, Edwards of Orleans, Eggleston, Gardere, Guion, Hays, Hebert, Hernandez, Jennings, Jourdan, Jones, Key, King of St. Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Mather, Monge, Nicholls, Olivier of St. Martin, Olivier of St. Mary, Palfrey, Preaux, Pugh, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staes, Swazey, Shaw, Scarborough, Smith of West Feliciana, Sibley, Simms, Stewart, Tatman, Talbot, Toulouse, Van Wickle, Villere, Waddill, Williams and Whittington—71 nays.

Consequently the motion to adopt was lost, and the amendment was accordingly rejected.

Mr. Smart then moved to strike out the words "by a vote of three-fifths of the members elected to" and to insert in lieu thereof "by a three-fifths vote of members of."

Mr. Hough offered the following substitute to the above article, to-wit :

"The General Assembly shall have power to abolish said Board whenever in their opinion the same shall be no longer necessary."

On motion the above substitute was laid on the table.

And on motion the article was adopted without amendment.

Mr. Farmer offered the following additional article, to be inserted under the head of "Internal Improvements," to-wit :

"The swamp lands on each stream shall be exclusively appropriated for the benefit of such stream, unless after examination by competent engineers, it be found impracticable to reclaim the lands thereon."

Mr. Roman moved to lay the above article on the table, which motion prevailed.

Mr. Benjamin, on behalf of the Committee on Style, submitted the following report, which being read, was, on motion, adopted, to-wit :

The Committee on Style report the following revision of the articles in Title VI, General Provisions :

113. The State shall not subscribe for the stock of, nor make a loan to, nor pledge its faith for the benefit of any corporation or joint stock company created or established for banking purposes, nor for any other purposes than those described in the following article.

114. The Legislature shall have power to grant aid to companies or associations of individuals formed for the exclusive purpose of making works of internal improvement wholly or partially within the State, to the extent only of one-fifth of the capital of such companies, by subscriptions of stock, or loan of money or public bonds ; but any aid thus granted shall be paid to the company only in the same proportion as the remainder of the capital shall be actually paid in by the stockholders of the company : and in case of loan, such adequate security shall be required as to the Legislature may seem proper.

No corporation nor individual association receiving the aid of the State, as herein provided, shall possess banking or discounting privileges.

115. No liability shall be contracted by the State, as above mentioned, unless the same be authorized by some law, for some single object or work, which shall be distinctly specified therein, which shall be passed by a majority of the members elected to both houses of the General Assembly, and the aggregate amount of debts and liabilities incurred under this and the preceding article shall never at any one time exceed the sum of eight millions of dollars.

116. Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion or suppress insurrection, they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due.

And the said law shall be irrevocable until principal and interest are fully paid and discharged, or unless the repealing law contain some other adequate provision for the payment of the principal and interest of the debt.

The committee further recommend that the additional article offered by Mr. St. Paul, be added to the end of article 130, the word "and" being put at the beginning and the words "article 130" being changed into this article.

The committee suggest no other changes in this Title.

[Signed]

J. P. BENJAMIN, Chairman.



Mr. Key then moved that the Convention should now proceed to take into consideration the report of the majority of the Committee on Public Education, which motion prevailed.

On the report of the majority of the Committee being read as follows, to-wit :

#### TITLE VII.

##### PUBLIC EDUCATION.

Article —. The General Assembly shall establish free Public Schools throughout the State, and shall provide for their support by general taxation on property or otherwise ; and all moneys so raised or provided shall be distributed to each Parish in proportion to the number of children between such ages as shall be fixed by the General Assembly.

Art. —. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent. ; which interest, together with the interest on the trust funds deposited with this State by the United States, under the act of Congress approved June 23, 1836, and all the rents of the unsold lands shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

All moneys arising from the sales which have been, or may hereafter be made, of any lands heretofore granted by the United States to this State, for the use of a Seminary of Learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which, at six per cent. per annum, shall be appropriated to the support of a Seminary of Learning for the promotion of Literature and the Arts and Sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said Seminary of Learning.

Mr. Hebert offered the following as a substitute to the same, to wit :

Article —. The Legislature shall provide for the election by the people of a Superintendent of Public Instruction, who shall hold his office for four years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

The Legislature shall encourage by all suitable means, the promotion of intellectual, scientific and moral improvement. The proceeds of all lands that may be granted by the United States to this State, and not required to be applied to a specific object, and all estates of deceased persons to which the State may become entitled by law, and also such per cent. as may be granted by Congress for the sales of public lands in this State, shall remain a perpetual fund, the interest of which, and such other means as the Legislature may provide, shall be appropriated to the use of Common Schools throughout the State.

The Legislature shall provide for a system of Common Schools, by which a school shall be kept up and supported in each District, at least three months in every year ; and any School District neglecting to keep up such a school, may be deprived of its proportion of the interest of the school fund during such neglect.

The University shall be retained as at present, subject to such laws as the Legislature may make for its improvement and prosperity.

On motion of Mr. St. Paul, the above substitute was laid on the table.

Mr. Preaux then offered the following as a substitute to the report of the majority of the Committee on Public Education, to wit :

#### TITLE VII.

##### PUBLIC EDUCATION.

Article —. Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties, and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the people, it shall be the duty of the Legislature and magistrates, in all future periods of this Government, to cherish the interest of literature and the sciences, and all Universities and Seminaries of them ; especially the University of Louisiana and the Public Schools of the State ; to encourage private societies and public institutions, even by rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and a natural history of the country ; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in all their dealings ; sincerity, good humor, and all social affections and generous sentiments among the people.

Art. —. The University of Louisiana, established in the city of New Orleans, shall continue to be composed of four faculties, to wit : one of Law, one of Medicine, one of Natural Sciences, and one of Letters.

Art. —. The Legislature shall have power to pass such laws as may be necessary for the further regulation of the University, and for the promotion of the interests of Literature and the Sciences. But shall be under no obligations to contribute to the support of said University by appropriations.

Art. —. The Legislature shall establish free Public Schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

Article —. The proceeds of all lands heretofore granted by the United States to this State, for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent., which interest, together with all the rents of unsold lands, shall be appropriated to the support of the Public Schools and the appropriation shall remain inviolable.

Art. —. All moneys arising from the sales which have been or may hereafter be made of any lands heretofore granted to this State for the use of a Seminary of Learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which, at six per cent. per annum, shall be appropriated to the support of a Seminary of Learning for the promotion of Literature and the Arts and Sciences, and no law shall ever be made devoting said fund to any other use than to the establishment and improvement of said Seminary of Learning.



Art. —. The Legislature shall provide by law for a just distribution among each parish in proportion to the number of the children between such ages as shall be fixed by the General Assembly, of all moneys raised by taxation for the use or support of Public Schools.

Art. —. There shall be a Superintendent of Public Education who shall hold his office for two years; he shall be elected by the qualified voters of the State; his duties shall be prescribed by law; he shall receive such compensation as the Legislature may direct.

Mr. Avery then moved to lay on the table the substitute offered by Mr. Preaux and the report of the majority of the Committee on Public Education, which motion prevailed.

Mr. Avery then moved to take up for consideration title seven of the Constitution of 1845, under the head of Public Education, in lieu of the report of the majority of the Committee on Public Education, which motion prevailed.

The first article of said title being the 133d article of the present Constitution and being read as follows, to wit:

## TITLE VII.

## PUBLIC EDUCATION.

Article 133 There shall be appointed a Superintendent of Public Education, who shall hold his office for two years. His duties shall be prescribed by law. He shall receive such compensation as the Legislature may direct.

Mr. Lobdell offered the following substitute to the above article, to wit:

Article 133. Public Education in this State shall be under the superintendence of the police juries of the respective parishes, and the municipal authorities of the respective cities and towns of the State.

Mr. Avery moved to lay the substitute upon the table, which motion prevailed.

Mr. Todd asked leave to have his vote recorded, and voted against the motion of Mr. Avery to lay on the table the substitute offered by Mr. Lobdell.

Mr. Pugh then offered the following substitute to the 133d article of the present Constitution, to wit:

Article 133. There shall be elected at each general election of the people of this State a Superintendent of Public Education, who shall hold his office for two years. His duties shall be prescribed by law, and he shall receive such compensation as the Legislature may direct.

Pending which, on motion, the Convention adjourned until 5 o'clock P. M.

## EVENING SESSION.

FRIDAY, July 30, 1852.

The Convention met pursuant to adjournment.

Present—Hon. D. F. Kenner, President of the Convention, in the chair, and eighty-one delegates.

On motion of Mr. Risk, the reading of the journal was dispensed with.

## ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of article 133 of the present Constitution, under the title of Public Education, with the substitute offered by Mr. Pugh, which were under consideration when the Convention adjourned.

Mr. Jennings moved to strike out from the substitute

now under consideration, the word "two," and insert in lieu thereof the word "four."

Mr. Key moved to lay on the table the motion offered by Mr. Jennings, which motion prevailed.

Mr. Key then moved to lay on the table the substitute offered by Mr. Pugh.

On said motion Mr. Richardson, of O., called for the yeas and nays, which resulted as follows:

Messrs. Addison, Bernard, Beale, Bullard, Byrne, Carter, Cotton, Conrad, Delony, Declouet, Douglass, Duffel, Edwards, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hough, Hodges, Jones, Key, King of Jackson, Lobdell, McMillen, Mathews of Point Coupee, Monge, Patterson, Pierce, Phillips, Richardson of Ouachita, Richardson of St. Mary, Sandidge, St. Paul, Smart, Shaw, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Taliaferro, Thompson, Todd, Toulouse, Williams and Wilcoxon—48 yeas.

Messrs. Avery, Armant, Bradford, Benjamin, Besancon, Bienvenu, Brother, Boudousquie, Buisson, Castellanos, Dufour, Dugue, Edwards of Orleans, Gardere, Hays, Hebert, Hernandez, Isaacks, Jennings, Jourdan, Lapeyre, Leefe, Leeds, LeBlanc, Lyle, McIlhenny, Mathews of Orleans, Moss, Palfrey, Paxton, Preaux, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Staes, Sibley, Simms, Stewart, Tatman, Talbot, Van Wickle, Villere, Waddill and Whittington—48 nays.

There being a tie, and the President voting in the negative, declared the motion to lay on the table as lost.

The motion then being on the adoption of Mr. Pugh's substitute,

Mr. Avery called for the yeas and nays, which resulted as follows:

Messrs. Akenhead, Avery, Armant, Bradford, Benjamin, Besancon, Bienvenu, Brother, Boudousquie, Buisson, Castellanos, Dufour, Dugue, Edwards of Orleans, Eggleston, Eustis, Gardere, Hays, Hebert, Hernandez, Isaacks, Jennings, Jourdan, Lapeyre, Leefe, Leeds, LeBlanc, Lyle, McIlhenny, Mathews of Orleans, Moss, Paxton, Preaux, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Staes, Smart, Shaw, Sibley, Simms, Stewart, Tatman, Talbot, Villere, Waddill and Whittington—51 yeas.

And Messrs. Addison, Bernard, Beale, Bullard, Carter, Cotton, Connely, Conrad, Delony, Declouet, Douglass, Duffel, Edwards of Washington, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hough, Hodges, Jones, Key, King of Jackson, Lobdell, McMillen, Mathews of P. C., Monge, Palfrey, Patterson, Pierce, Phillips, Richardson of Ouachita, Richardson of St. Mary, Sandidge, St. Paul, Scarborough, Shelton, Smith of West Feliciana, Smith of Winn, Taliaferro, Thompson, Todd, Toulouse, VanWickle, Williams and Wilcoxon—47 nays.

Consequently the motion prevailed, and the substitute offered by Mr. Pugh was accordingly adopted.

Mr. Palfrey having voted with the majority on the adoption of the substitute offered by Mr. Pugh to article 133 of the Constitution, moved for a reconsideration of the same, which was granted.

The substitute and original article being then before the Convention, Mr. Palfrey moved to reject the article and the substitute. On said motion the yeas and nays were called, and resulted as follows:

Messrs. Anderson of Carroll, Addison, Bernard, Beale, Bullard, Carter, Cotton, Connely, Conrad, Delony, Declouet, Douglass, Dufour, Edwards of Washington, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hough, Hodges,



Jourdan, Jones, Key, King of St. Landry, King of Jackson, Lobdell, McMillen, Mathews of P. C., Monge, Nicholls, Olivier, Palfrey, Patterson, Price, Pierce, Phillips, Richardson of Ouachita, Richardson of St. Mary, Roysden, Sandidge, St. Paul, Smart, Shaw, Scarborough, Smith of W. F., Smith of Winn, Taliaferro, Thompson, Todd, Toulouse, VanWickle, Williams and Wilcoxon—55 yeas.

And Messrs. Akenhead, Avery, Armant, Bradford, Benjamin, Besancon, Bienvenu, Brother, Boudousquie, Boyer, Buisson, Byrne, Castellanos, Dalferes, Dufour, Dugue, Edwards of Orleans, Eggleston, Eustis, Gardere, Hays, Hebert, Hernandez, Isaacks, Jennings, Lapeyre, Leefe, Leeds, Le Blanc, McIlhenny, Mathews of Orleans, Moss, Paxton, Preaux, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Staes, Shelton, Sibley, Simms, Tatman, Talbot, Villere, Waddill and Whittington—50 nays.

Consequently, the motion prevailed, and the original article of the Constitution and the substitute of Mr. Pugh were accordingly rejected.

Messrs. Herron, Beale and Conrad offered the following as their reasons for voting against the substitute offered by Mr. Pugh, to article 133 of the Constitution, and asked that the same should be spread on the journal, which was granted, to-wit :

We voted to lay Mr. Pugh's substitute to article 133 of the Constitution on the table, because we are opposed to the creation of the office of Superintendent of Public Schools. If the office is to be created, we prefer his being elected by the people to any other mode of appointment.

Mr. Bullard offered the following article, to be inserted in lieu of article 133 of the present Constitution :

Article 133. The Secretary of State shall be ex-officio Superintendent of Public Education. His duties shall be prescribed by law. He shall receive such additional compensation as the Legislature may direct.

Mr. Jennings moved to lay the above substitute on the table.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Akenhead, Avery, Anderson of Carroll, Addison, Bradford, Benjamin, Besancon, Bienvenu, Brother, Buisson, Byrne, Castellanos, Carter, Cotton, Connely Dalferes, Delony, Declouet, Douglass, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Hatch, Hebert, Hernandez, Isaacks, Jennings, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, McIlhenny, Mathews of Orleans, Moss, Monge, Nicholls, Olivier of St. Mary, Palfrey, Paxton, Patterson, Preaux, Price, Pugh, Richardson of St. Mary, Rixner, Risk, Ronquillo, St. Paul, Staes, Smart, Smith of Winn, Tatman, Talbot, Thompson, Toulouse, Whittington and Wilcoxon—64 yeas.

And Messrs. Bernard, Beale, Boudousquie, Boyer, Bullard, Conrad, Farmer, Guion, Harris, Hargis, Herron, Hodges, Jourdan, King of Jackson, LeBlanc, Lobdell, McMillen, Mathews of Point Coupee, Pierce, Phillips, Reeves, Richardson of Ouachita, Roselius, Roysden, Sandidge, Shaw, Shelton, Scarborough, Smith of West Feliciana, Sibley, Simms, Taliaferro, Van Wickle, Villere, Waddill and Williams—36 nays.

Consequently the motion prevailed, and the substitute offered by Mr. Bullard was laid on the table.

On the 134th article of the present Constitution being taken up and read as follows, to wit :

Art. 134. The Legislature shall establish free Public Schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

Mr. Hatch offered the following as a substitute to the above article, to wit :

Art. —. The General Assembly shall establish free Public Schools throughout the State, and shall provide for their support by general taxation on property or otherwise ; and all moneys so raised or provided, shall be distributed to each Parish in proportion to the number of children between such ages as shall be fixed by the General Assembly.

Pending which, on motion, the Convention adjourned until to-morrow at 9 o'clock, A. M.

SATURDAY, July 31, 1852.

The Convention met pursuant to adjournment.

Present : Hon. D. F. Kenner, President of the Convention, in the chair, and eighty-six delegates.

On motion of Mr. Farmer, leave of absence was granted to Mr. Beard.

Mr. Joffrion, delegate elect from the Parish of Avoyelles, appeared and took his seat.

Mr. Richardson, of Ouachita, offered the following resolution, which being read, was on motion adopted :

"Resolved, That during this day's session no member shall speak on any one question more than five minutes at any one time."

Mr. Dufour offered the following resolution, which being read, was on motion adopted :

"Resolved, That the Secretary of the Convention be and is authorized to employ an additional Recording Clerk to assist in enrolling the Constitution."

Mr. Gardere, on behalf of the Committee on Contingent Expenses, offered the following resolution, which being read, was on motion adopted :

"Resolved, That the President of the Convention be authorized to effect a loan for the use of said Convention, which shall not exceed the sum of seven thousand dollars, and at a rate of interest not exceeding six per cent. per annum."

Mr. Benjamin offered the following resolution, which being read, was on motion adopted :

"Resolved, That one thousand copies of the debates in English and five hundred in French be printed in addition to the number already ordered."

On motion of Mr. Jennings the Convention took up for consideration the resolution offered by him on yesterday, concerning the time to be allowed to the Reporter and Clerks of the Convention to complete the labor devolving upon them in their respective capacities.

That part of the resolution concerning the Reporter being read,

On motion of Mr. Cotton the words "thirty days" were stricken out, and "sixty days" inserted in lieu thereof.

On motion the resolution as amended was adopted.

The second part of the resolution concerning the Clerks of the Convention being taken up and read,

On motion of Mr. Jennings the blank in the same was filled with the word "twenty," and on a further motion the resolution as amended was adopted.

Mr. Benjamin, on behalf of the Committee on Style, submitted the following report, to-wit :

The Committee on Style beg leave to report on title seven—Internal Improvements :

That the only change recommended in this title is in the first article, by inserting in the second line, after the



word "divided," the words "by the Legislature," and in the third line, after "district," the words "by the vote thereof." [Signed] J. P. BENJAMIN.

On motion the report was concurred in.

Mr. Williams having, on yesterday, voted with the majority on the motion to reject article 133 of the Constitution, moved for a reconsideration of the same, which was granted.

The 133d article being then before the Convention, Mr. Williams offered the following as a substitute to the same, to-wit :

"There shall be elected at the first general election after the adoption of this Constitution, and every two years thereafter, a Superintendent of Public Education, who shall hold his office for two years. His duties shall be prescribed by law, and he shall receive such compensation as the Legislature may direct. Provided that the General Assembly shall have power, by a vote of three-fifths of the members elected to both Houses, to abolish the said office of Superintendent of Public Education whenever, in their opinion, said office shall be no longer necessary."

On motion of Mr. Hatch the words "three-fifths" were stricken out, and the words "a majority" were inserted in lieu thereof.

Mr. Williams moved for the adoption of the above substitute as amended.

On said motion the yeas and nays were called, and resulted as follows :

Messrs. Avery, Anderson of Carroll, Armant, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquie, Boyer, Bullard, Buisson, Byrne, Castellanos, Campbell, Dalferes, Dufour, Dugue, Edwards of Orleans, Eggleston, Eustis, Gardere, Guion, Hatch, Harris, Hargis, Hebert, Hernandez, Hough, Hunt, Isaacks, Jennings, Jourdan, Jones, Joffrion, Key, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews of Orleans, Mathews of Point Coupce, Parham, Paxton, Preaux, Phillips, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Staes, Smart, Shaw, Scarborough, Smith of Winn, Sibley, Simms, Stewart, Tatman, Talbot, Thompson, Toulouse, VanWickle, Villere, Waddill, Williams, Whittington and Wilcoxon—74 yeas.

And Messrs. Addison, Beale, Carter, Cotton, Connely Conrad, Douglass, Duffel, Edwards of Washington, Farmer, Herron, Hodges, King of St. Landry, King of Jackson, McMillen, Martin, Monge, Palfrey, Patterson, Pierce, Richardson of Ouachita, Roysden, Sandidge, Shelton, Taliaferro, Todd—26 nays.

Consequently the substitute of Mr. Williams, as amended, was adopted.

Mr. Staes offered the following resolution, which being read, was on motion laid on the table :

Resolved, That the member from Lafayette, Mr. Ant. Toulouse, lately elected to this Convention, be fully entitled to his *per diem*, to begin on the 5th of July, up to the adjournment of this Convention.

Mr. Sandidge offered the following resolution, which being read, was on motion adopted :

Resolved, That the Secretary of State be requested to present, in the name of the Convention, to each of the clerical gentlemen who have so promptly officiated at the opening of our daily sessions, a well bound copy of the Journal and Debates, as some small mark of the respect of its several members.

Mr. Richardson, of Ouachita, offered the following resolution, which being read, was on motion adopted :

Resolved, That the fifteen thousand copies of the Constitution ordered to be printed shall be delivered to the Secretary of the Convention within twenty days, who shall superintend the proper distribution thereof to the members of this Convention, by mail or otherwise.

#### ORDER OF THE DAY—UNFINISHED BUSINESS.

The Convention resumed the consideration of article 134 of the Constitution, which was under consideration on yesterday when the Convention adjourned, and also the substitute offered by Mr. Hatch.

Mr. Lobdell offered as an amendment to the substitute offered by Mr. Hatch, to insert after the words "on property," the following words : "by the proceeds of the sale of the school lands within the respective parishes."

On motion the amendment was laid on the table.

The question being on the adoption of the substitute, on motion to lay the same on the table Mr. Hatch called for the yeas and nays, which resulted as follows :

Messrs. Armant, Bradford, Bienvenu, Brother, Buisson, Connely, Dufour, Duffel, Gardere, Leeds, Mathews of Orleans, Mathews of P. C., Parham, Phillips, Reeves, Rixner, Shaw, Sibley and VanWickle—19 yeas.

And Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Addison, Benjamin, Bernard, Beale, Boudousquie, Boyer, Bullard, Castellanos, Carter, Campbell, Cotton, Conrad, Dalferes, Delony, Douglass, Dugue, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Joffrion, Key, King of St. Landry, King of Jackson, Leefe, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Marrero, Martin, Monge, Nicholls, Palfrey, Paxton, Patterson, Preaux, Pierce, Pugh, Richardson of Ouachita, Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, Smart, Swazey, Scarborough, Shelton, Smith of Winn, Simms, Stewart, Tatman, Talbot, Taliaferro, Thompson, Todd, VanWickle, Waddill, Williams and Wilcoxon—82 nays.

Consequently, the motion to lay on the table was lost, and on a further motion the substitute of article 134 was adopted.

Mr. Phillips asked leave to have his vote recorded against the adoption of the above substitute, which was granted.

Mr. Duffel presented the following as his reasons for voting against the adoption of the above substitute :

I vote yes, because I wish the distribution of the moneys to be left to the wisdom of the General Assembly.

[Signed]

DUFFEL.

Mr. Connely submitted the following as his reasons for voting against the above substitute :

I vote against the substitute because I prefer the article 134 of the Constitution of 1845.

[Signed]

G. F. CONNELLY.

The 135th article of the present Constitution being taken up and read as follows, to-wit :

Article 135. The proceeds of all lands heretofore granted by the United States to this State for the use and support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a



loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent.; which interest, together with all the rents of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

Mr. Key offered the following article of the report of the majority of the Committee on Public Education, as a substitute to the above article, to wit :

Art. 135. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent. ; which interest, together with the interest on the trust funds deposited with this State by the United States, under the act of Congress approved June 23, 1836, and all the rents of the unsold lands shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

On motion, the above substitute was adopted, in lieu of the original article 135, of the Constitution of 1845.

The Convention then took up article 136 of the present Constitution, which read as follows, to wit :

Art. 136. All moneys arising from the sales which have been or may hereafter be made of any lands heretofore granted by the United States to this State, for the use of a Seminary of Learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which at six per cent. per annum, shall be appropriated to the support of a Seminary of Learning for the promotion of Literature and the Arts and Sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said Seminary of Learning.

On motion, the above article was adopted without amendment.

On the 137th article of the present Constitution being taken up and read as follows, to-wit :

Article 137. An University shall be established in the City of New Orleans. It shall be composed of four faculties, to-wit : one of Law, one of Medicine, one of the Natural Sciences, and one of Letters.

Mr. Eustis offered the following articles as substitutes for the above article, and also to articles 138 and 139, to-wit :

Article 137. The University of Louisiana in New Orleans as now established, shall be maintained.

Art. 138. The Legislature shall have power to pass such laws as may be necessary for the future regulation of the University, and for the promotion of the interests of Literature and the Sciences, but shall be under no obligation to contribute to the support of the University by appropriations.

On motion the above articles were adopted as substitutes to articles 137, 138 and 139, of the present Constitution.

Mr. King, of St. Landry, on behalf of the Committee on Schedule, submitted the following report, to-wit :

#### TITLE —.

#### SCHEDULE.

Art. —. The Constitution adopted in eighteen hundred

and forty-five is declared to be superceded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows :

Art. —. All rights, actions, prosecutions, claims and contracts, as well as of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if the same had not been adopted.

Art. —. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superceded thereby ; but the laws of the State relative to the duties of the several officers, Executive, Judicial and Military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State, according to the existing laws, until the organization of the Government under this Constitution, and the entering into office of the new officers to be appointed under said Government, and no longer.

Art. —. Appointments to office by the Executive under this Constitution, shall be made by the Governor to be elected under its authority.

Art. —. The Legislature shall provide for the removal of all causes now pending in the Supreme or other Courts of the State under the Constitution of 1845 to Courts created by or under this Constitution.

Art. —. The time of service of all officers chosen by the people at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November, 1851, and they had entered on the discharge of their duties at the time designated therein. The first class of Senators designated in article seventeen, shall hold their seats until the day of the closing of the general elections in November, 1853, and the second class until the day of the closing of the general elections in November, 1855.

Art. —. The first election for Judges of the Supreme Court, shall be held on the first Monday of April next, (1853,) and they shall enter into office on the first Monday of May, 1853.

Art. —. The first term of office of the District Attorneys, and the Clerks of the Inferior Courts, to be ordered and established under this Constitution, shall be regulated by the term of service of the first Governor ; so that a new election for these officers shall be held on the first Monday of November, 1855.

#### TITLE —.

#### ORDINANCE.

Article —. Immediately after the adjournment of the Convention, the Governor shall issue his proclamation, directing the several officers of this State authorized by law to hold elections for members of the General Assembly, to open and hold a poll in every Parish of the State, at the places designated by law, upon the first Tuesday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this Constitution ; and it shall be the duty of said officers to receive the votes of all persons entitled to vote under the old Constitution and under this Constitution. Each voter shall express his opinion by depositing in a separate box, to be kept for that purpose, a ticket, whereon shall be written " the Constitution accepted," or " the Constitution rejected," or some such word as will distinctly convey the intention of the voter. At the conclusion of said election, which shall be conducted in every respect as the general State election is now conducted



the commissioners designated to preside over the same, shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the Secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

Art. — Upon the receipt of the said returns, or on the fifth Monday of November, if the returns be not sooner received, it shall be the duty of the Governor, the Secretary of State, the Attorney General and the State Treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll for the ratification and rejection of this Constitution, and if it shall appear from said returns that a majority of all the votes given are for ratifying this Constitution, then it shall be the duty of the Governor to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State of Louisiana. But whether this Constitution be accepted or rejected, it shall be the duty of the Governor to cause to be published in the official paper of the Convention the result of the polls, showing the number of votes cast in each parish for and against the said Constitution.

Art. — Should this Constitution be accepted by the people, it shall also be the duty of the Governor forthwith to issue his proclamation, declaring the present Legislature, elected under the old Constitution, to be dissolved, and directing the several officers of the State authorized by law to hold elections for members of the General Assembly, to hold an election, at the places designated by law, upon the fourth Monday of December next, 1852, for Governor, Lieutenant Governor, members of the General Assembly, Secretary of State, Attorney General, Treasurer and Superintendent of Public Education. And the said election shall be conducted, and the returns thereof made, in conformity to the existing laws upon the subject of State elections.

Art. — The General Assembly elected under this Constitution shall convene at the State House, in Baton Rouge, upon the third Monday of January next, 1853, after the election; and the Governor and Lieutenant Governor elected at the same time, shall be duly installed in office during the first week of their session, and before it shall be competent for the said General Assembly to proceed with the transaction of business.

Art. — All the publications herein ordered shall be made in the official journal of the Convention.

Art. — This Constitution shall be published in French and English, in the official journal of the Convention, from the period of its adjournment until the first Tuesday of November, 1852.

On motion of Mr. King, of St. Landry, the above report was taken up and read article by article.

On the following article being taken up and read as follows, to-wit:

Upon the receipt of the said returns, or on the first Monday of December, if the returns be not sooner received, it shall be the duty of the Governor, the Secretary of State, the Attorney General, and the State Treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll, for the ratification and rejection of this Constitution, and if it shall appear from said returns that a majority of all the votes given is for ratifying this Constitution, then it shall be the duty of the Governor to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State of Louis-

iana. But whether this Constitution be accepted or rejected, it shall be the duty of the Governor to cause to be published in the State paper the result of the polls, showing the number of votes cast in each parish for or against the said Constitution.

Mr. Herron moved to strike out in the same the words "votes given," and to insert in lieu thereof the following words: "All the voters of the State, as ascertained by the number of votes that may be cast at the Presidential election, which will be held on the said second Tuesday in November next."

On motion the above amendment was laid on the table, and on a further motion the report of the Committee on Schedule was adopted without amendment.

Mr. King, of St. Landry, having voted in the majority on the motion to adopt the substitute offered by Mr. Williams to article 133 of the Constitution, moved for a reconsideration of the same, which was granted.

The substitute being then before the Convention,

Mr. King, of St. Landry, moved to strike out from the same the following words: "at the first general election after the adoption of this Constitution, and every two years thereafter;" which motion prevailed, and the words were accordingly stricken out, and, on motion, the substitute was re-adopted as amended.

Mr. Todd moved that, by general consent, the Convention should reconsider the vote given on the adoption of Title Nine of the Constitution, under the head of Mode of Revising the Constitution, which motion prevailed.

The article being then before the Convention,

Mr. Todd moved to strike out in the same the words "and approved by the Governor," which motion prevailed, and on a further motion the article as amended was re-adopted.

Mr. Harris having voted in the majority on the adoption of the substitute offered by Mr. Hatch to article 134 of the Constitution, moved for a reconsideration of the same, which was ordered.

The substitute being then before the Convention,

Mr. Harris moved to amend the same by inserting "free white" before the word "children," which motion prevailed, and, on motion, the substitute was re-adopted as amended.

Mr. Sandidge offered the following, to be inserted under the title of ordinance:

Recognizing the right, due to the people, that their will should be consulted in the most unequivocal manner on a subject of such universal interest as that of Public Education, this Convention, in requiring the Legislature to establish such a system, deem it but just and right that a people, who are to be taxed annually for so large a sum of money as will be necessary to sustain it, should be privileged to vote directly upon its adoption; and to that end, the second article under the title of Public Education shall be submitted to them, to be voted on separately from the balance of the Constitution. It reads thus: "The General Assembly shall establish free Public Schools throughout the State, and shall provide for their support by general taxation on property, or otherwise; and all moneys so raised or provided shall be distributed to each Parish, in proportion to the number of free white children between such ages as shall be fixed by the General Assembly."

On motion the above article was laid on the table.

Messrs. Sandidge and Todd asked leave to have their votes recorded against the motion to lay on the table the



above article offered by Mr. Sandidge, which was accordingly done.

On motion of Mr. Benjamin the Convention took a recess until one o'clock, P. M.

The time having expired, the Convention was called to order.

Mr. Guion offered the following resolution, which being read, was on motion adopted. to-wit :

Resolved, That on the delivery of the work ordered to be performed by the Printer to the Secretary of the Convention and to the State Librarian, as already directed, and on his completing the publications ordered to be made in his newspaper, the President of this Convention, upon the certificates of said officers that the work has been performed in workmanlike style, shall be authorized to draw his warrant on the Treasurer, in favor of said Printer, for the amount which may be due to him, in accordance with his contract.

Mr. Byrne offered the following resolution :

Resolved, That the Sergeant-at-Arms be continued in office for the same time allowed to the Secretary.

Mr. McIlhenny moved to amend the resolution, by adding after the words "Sergeant-at-Arms" the words "Door-keeper."

Mr. Connely moved to insert also the word "Messenger."

Mr. Cotton moved to lay the resolution and amendments on the table.

On said motion Mr. Connely called for the yeas and nays, which resulted as follows :

Messrs. Avery, Andrews, Anderson of Carroll, Arinant, Addison, Bradford, Beale, Boudousquie, Bullard, Carter, Cotton, Connely, Conrad, Delony, Dufour, Dugue, Duffel, Edwards of Orleans, Edwards of Washington, Eustis, Guion, Hatch, Harris, Hargis, Hebert, Hodges, Isaacks, Jourdan, Jones, Key, King of Jackson, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, Mathews of Point Coupee, Marrero, Monge, Nicholls, Parham, Palfrey, Paxton, Phillips, Pugh, Rixner, Roselius, Roysden, Ronquillo, Sandidge, Smart, Smith of Winn, Sibley, Simms, Thompson, Todd, Toulouse, Van Wickle, Villere, Williams and Whittington—62 yeas.

And Messrs. Benjamin, Bienvenu, Boyer, Byrne, Castellanos, Campbell, Hunt, Jennings, Zoffrion, King of St. Landry, McIlhenny, Mathews of Orleans, Mather, Preaux, Price, Risk, St. Paul, Staes, Swazey, Shaw, Smith of West Feliciana, Stewart, Tatman, Taliaferro and Waddill—25 nays.

Consequently the motion prevailed, and the resolution and amendments were laid on the table.

Mr. King of St. Landry offered the following resolution, which, being read, was, on motion, adopted :

Resolved, That it shall be the duty of the Printer of the Convention to forward one copy of the paper in which the proceedings of the Convention are published to each member of the Convention during the entire period of the publication of said proceedings.

Mr. Benjamin offered the following resolution, which, being read, was, on motion adopted.

Resolved, That the term of office of the Translator of the Debates be extended to the same time as that of the Reporter, and that he be paid in accordance with the resolution already passed providing for the payment of the Clerks.

On motion, the Convention adjourned until 5 o'clock, P. M.

EVENING SESSION.

ATURDAY, July 31, 1852.

The Convention met pursuant to adjournment.

Present Hon. D. F. Kenner, President of the Convention, in the chair, and one hundred and five delegates.

Mr. Preaux was called to the chair.

Mr. Carter offered the following resolution, which being read, was on motion unanimously adopted, to-wit :

Resolved, That the Convention do hereby express their acknowledgments to the Hon. D. F. Kenner, President of his Convention, for the impartial, faithful and able manner with which he has presided over the deliberations of this body.

Mr. Gardere, on behalf of the Committee on Contingent Expenses, offered the following resolution, which being read, was on motion adopted, to-wit :

Resolved, That the President of this Convention be, and is hereby, authorized to order the payment of the following accounts to the persons hereinafter named :

T. D. Lewis, Messenger of the Convention, one hundred and fifty dollars.....	\$150 00
J. C. Lanoue for stationery for the use of the Convention, one hundred and ninety-one dollars thirteen cents.....	191 13
Morse's Telegraph, for telegraphic dispatches, five dollars seventy-five cents.....	5 75
W. D. Mann, for ice up to 31st inst., twenty-eight dollars fifty-six cents.....	28 56
J. L. Wolff, for mending desks, etc., twenty-two dollars.....	22 00
Largnier & Lanoue, for sundry articles, fifteen dollars.....	15 00
Michael Granary, for lard oil, nineteen dollars thirty-five cents.....	19 35
L. Ennicios, for two days' services, twelve dollars	12 00
C. L. Marshall, Sergeant-at-Arms, amount of his bill, forty six dollars sixty cents....	\$46 50
Amount paid by him for ice-box, etc.,.....	15 75
For hire of four servants, as per his bill.....	140 00=
A. Regar, for three signs, six dollars.....	6 00
J. B. Haughton, Post-master, for disbursements made by him, two dollars fifteen cents.....	2 15
New Orleans Crescent, for 841 copies to members during the session, and 130 copies during two months after adjourning, eleven hundred and one dollars.....	1,101 00
Daily Delta, for 94 copies, ninety-four dollars....	94 00
Democratic Advocate, 74 copies, seventy-four dollars.....	74 00
Daily Comet, 41 copies, forty-one dollars.....	41 00
Commercial Bulletin, 37 copies, thirty-seven dollars.....	37 00
New Orleans Bee, 83 copies, eighty-three dollars..	83 00
Daily True Delta, 40 copies, forty dollars.....	40 00
Louisiana Courier, 94 copies, ninety-four dollars..	94 00
Daily Picayune, 84 copies, eighty-four dollars....	84 00
Daily Orleanian, 17 copies, seventeen dollars.....	17 00
Baton Rouge Gazette, 14 copies, fourteen dollars	14 00
Lafayette Republican, 9 copies, nine dollars.....	9 00
Southern Democrat, 32 copies, thirty-two dollars	32 00
To C. L. Marshall, Sergeant-at-Arms, for the payment by him of the following newspapers, viz :	
Campaign Union, two dollars.....	\$2 00
Thibodaux Minerva, one dollar.....	1 00
Concordia Intelligencer, one dollar..	1 00
Teche Courier, two dollars.....	2 00
Louisiana Spectator, four dollars....	4 00
Vigilant, one dollar.....	1 00
Red River Republican, one dollar...	1 00
Point Coupee Echo, one dollar.....	1 00
Louisiana Statesman, one dollar....	1 00
Western Democrat, three dollars....	3 00
Ouachita Register, one dollar.....	1 00
Campaign Republic, one dollar.....	1 00=
	19 00



To J. H. Maddox, Printer, for job work, as per bill approved by J. B. Walton, Secretary.... 393 00

\$2,785 79

Baton Rouge Gazette, for printing lists of members and yeas and nays, as per bill approved by J. E. Layet, Secretary..... 75 00

\$2,860 79

Mr. Jennings offered the following resolution, which, being read, was on motion adopted :

Resolved, That the sum of one hundred and fifty dollars be allowed to E. R. Easten, who was employed to make out a tabular statement of the census of 1850, in compliance with a call of the Convention.

Mr. Benjamin, on behalf of the Committee on Enrollments, reported the Constitution as having been duly enrolled and ready for final adoption, as follows :

### PREAMBLE.

We, the people of the State of Louisiana, do ordain and establish this Constitution :

### TITLE I.

#### DISTRIBUTION OF POWERS.

ART. 1. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: those which are Legislative to one, those which are Executive to another, and those which are Judicial to another.

ART. 2. No one of these Departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

### TITLE II.

#### LEGISLATIVE DEPARTMENT.

ART. 3. The Legislative power of the State shall be vested in two distinct branches, the one to be styled the "House of Representatives," the other the Senate, and both the "General Assembly" of the State of Louisiana.

ART. 4. The members of the House of Representatives shall continue in service for the term of two years from the day of the closing of the general elections.

ART. 5. Representatives shall be chosen on the first Monday in November every two years; and the election shall be completed in one day. The General Assembly shall meet annually, on the third Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

ART. 6. Every duly qualified elector, under this Constitution, shall be eligible to a seat in the General Assembly, provided that no person shall be a Representative or Senator unless he be, at the time of his election, a duly qualified voter of the Representative or Senatorial District from which he is elected.

ART. 7. Elections for members of the General Assembly shall be held at the several election precincts established by law. The Legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the total population of each of the several parishes of the State. Each parish shall have at least one Representative. No new parish shall be created with a territory less than six

hundred and twenty-five square miles, nor with a population less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and amount of population.

The first enumeration by the State authorities under this Constitution shall be made in the year 1853, the second in the year 1858, the third in the year 1865; after which time the General Assembly shall direct in what manner the census shall be taken, so that it be made at least once in every period of ten years, for the purpose of ascertaining the total population in each parish and election district.

At the first regular session of the Legislature, after the making of each enumeration, the Legislature shall apportion the representation among the several parishes and election districts on the basis of the total population, as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many Representatives as its aggregate population shall entitle it to, and an additional Representative for any fraction exceeding one-half the Representative number. The number of Representatives shall not be more than one hundred, nor less than seventy. Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in this article, the Representation in the Senate and House of Representatives shall be and remain as at present established by law.

The limits of the Parish of Orleans are hereby extended, so as to embrace the whole of the present city of New Orleans, including that part of the Parish of Jefferson, formerly known as the city of Lafayette.

All that part of the Parish of Orleans which is situated on the left bank of the Mississippi river shall be divided by the Legislature into not more than ten Representative Districts, and until a new apportionment shall be made according to the first census to be taken under this Constitution, that part of the city of New Orleans which was comprised within the former limits of the city of Lafayette, shall vote for Senators from the Parish of Orleans, and form the Tenth Representative District, and shall elect two out of the three Representatives now apportioned by law to the Parish of Jefferson; the other Representative Districts shall remain as they are now established.

ART. 9. The House of Representatives shall choose its Speaker and other officers.

ART. 10. Every free white male who has attained the age of twenty-one years, and who has been a resident of the State twelve months next preceding the election, and the last six months thereof in the Parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting; but no voter on removing from one Parish to another within the State, shall lose the right of voting in the former until he shall have acquired it in the latter. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at, going to, or returning from elections.

ART. 11. The Legislature shall provide by law, that the names and residence of all qualified electors of the city of New Orleans, shall be registered, in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime



punishable with hard labor, shall be entitled to vote at any election in this State.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the Parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the Senate shall be chosen for the term of four years. The Senate, when assembled, shall have the power to choose its officers.

ART. 15. The Legislature, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No Parish shall be divided in the formation of a Senatorial District—the Parish of Orleans excepted. And whenever a new Parish shall be created, it shall be attached to the Senatorial District from which most of its territory was taken, or to another contiguous District, at the discretion of the Legislature, but shall not be attached to more than one District. The number of Senators shall be thirty-two, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several Districts—Provided, that no Parish shall be entitled to more than five Senators.

ART. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-seven, (27,) and the result produced by this division shall be the Senatorial ratio entitling a Senatorial District to a Senator. Single or contiguous Parishes shall be formed into Districts, having a population the nearest possible to the number entitling a District to a Senator; and if, in the apportionment to be made, a Parish or District fall short of or exceed the ratio one-fifth, then a District may be formed having not more than two Senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the eighth Article, the Legislature shall not pass any law until an apportionment of Representation in both Houses of the General Assembly be made.

ART. 17. At the first session of the General Assembly after this Constitution takes effect, the Senators shall be equally divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any District shall have elected two or more Senators, said Senators shall vacate their seats respectively at the end of two and four years, and lots shall be drawn between them.

ART. 18. The first election for Senators shall be general throughout the State, and at the same time that the general election for Representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

ART. 19. Not less than a majority of the members of each house of the General Assembly shall form a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

ART. 20. Each house of the General Assembly shall judge of the qualification, election and returns

of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 21. Each house of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

ART. 22. Each house of the General Assembly shall keep and publish a weekly journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

ART. 23. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior in its presence, or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 24. Neither house, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

ART. 25. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives by whom such alteration shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first Legislature which is to convene after the adoption of this Constitution.

ART. 26. The members of the General Assembly shall, in all cases except treason, felony, breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 27. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 28. No person who at any time may have been a collector of taxes, whether State, Parish or Municipal, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

ART. 29. No bill shall have the force of a law until on three several days it be read over in each house of the General Assembly, and free discussion allowed thereon, unless in case of urgency four-fifths of the house, where the bill shall be pending, may deem it expedient to dispense with this rule.

ART. 30. All bills for raising revenue shall originate in the House of Representatives, but the Senate



may propose amendments as in other bills; provided they shall not introduce any new matter under color of an amendment, which does not relate to raising revenue.

ART. 31. The General Assembly shall regulate by law, by whom, and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ART. 32. The Senate shall vote on the confirmation or rejection of officers to be appointed by the Governor, with the advice and consent of the Senate, by yeas and nays, and the names of the Senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

ART. 33. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

ART. 34. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the Hall of the House of Representatives, on the Monday following the meeting of the Legislature, and proceed to the said election.

### TITLE III.

#### EXECUTIVE DEPARTMENT.

ART. 35. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the Lieutenant Governor chosen for the same term, be elected as follows: The qualified electors for Representatives shall vote for a Governor and Lieutenant Governor, at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, on the second day of the session of the General Assembly, then next to be holden. The members of the General Assembly shall meet in the House of Representatives, to examine and count the votes. The person having the greatest number of votes for Governor, shall be declared duly elected; but if two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor, shall be Lieutenant Governor; but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

ART. 36. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have attained the age of twenty-eight years and been a citizen and a resident within the State for the space of four years next preceding his election.

ART. 37. The Governor shall enter on the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by this Constitution.

ART. 38. The Governor shall be ineligible for the

succeeding four years after the expiration of the time for which he shall have been elected.

ART. 39. No member of Congress or person holding any office under the United States shall be eligible to the office of Governor or Lieutenant Governor.

ART. 40. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability, or refusal to qualify, of both the Governor and Lieutenant Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

ART. 41. The Lieutenant Governor, or other officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled, had he continued in office.

ART. 42. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. Whenever he shall administer the Government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

ART. 43. While he acts as President of the Senate, the Lieutenant Governor shall receive for his services the same compensation which shall for the same period be allowed to the Speaker of the House of Representatives, and no more.

ART. 44. The Governor shall have power to grant reprieves for all offences against the State, and, except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

ART. 45. The Governor shall at stated times receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

ART. 46. He shall be Commander-in-Chief of the Army and Navy of this State, and of the Militia thereof, except when they shall be called into the service of the United States.

ART. 47. He shall nominate and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, and whose appointment is not therein otherwise provided for: Provided, however, that the Legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 48. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this Constitution; but no person who has been nominated for office, and rejected by the Senate, shall be appointed to the same office during the recess of the Senate.

ART. 49. He may require information in writing from the officers in the Executive Department, upon any subject relating to the duties of their respective offices.

ART. 50. He shall, from time to time, give to the



General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 51. He may on extraordinary occasions convene the General Assembly at the seat of Government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 52. He shall take care that the laws be faithfully executed.

ART. 53. Every bill which shall have passed both houses shall be presented to the Governor; if he approve, he shall sign it, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if after such reconsideration two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next session.

ART. 54. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of the members elected to each house of the General Assembly.

ART. 55. There shall be a Secretary of State, who shall hold his office during the time for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them. He shall, when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either house of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 56. There shall be a Treasurer of the State who shall hold his office during the term of two years.

ART. 57. The Secretary of State and Treasurer of State, shall be elected by the qualified electors of the State. And in case of any vacancies caused by the death, resignation, or absence of the Treasurer or Secretary of State, the Governor shall order an election to fill said vacancy.

ART. 58. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the Governor.

ART. 59. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled

so to do, but shall pay an equivalent for personal services.

ART. 60. The Militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the Legislature.

#### TITLE IV.

##### JUDICIARY DEPARTMENT.

ART. 61. The Judiciary power shall be vested in a Supreme Court, in such inferior courts as the Legislature may, from time to time, order and establish, and in Justices of the Peace.

ART. 62. The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars; to all cases in which the constitutionality or legality of any tax, toll, or impost whatsoever, or of any fine, forfeiture or penalty imposed by a municipal corporation, shall be in contestation; and to all criminal cases on questions of law alone, whenever the offence charged is punishable with death or imprisonment at hard labor, or when a fine exceeding three hundred dollars is actually imposed. The Legislature shall have power to restrict the jurisdiction of the Supreme Court in civil cases to questions of law only.

ART. 63. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of six thousand dollars, and each of the Associate Judges a salary of five thousand five hundred dollars, annually, until otherwise provided by law. The Court shall appoint its own Clerks; the Judges shall be elected for the term of ten years.

ART. 64. The Chief Justice shall be elected by the qualified electors of the State. The Legislature shall divide the State into four Districts, and the qualified electors of each District shall elect one of the Associate Justices. The State shall be divided into the following Districts, until the Legislature shall otherwise direct:

##### FIRST DISTRICT.

The Parishes of Plaquemines, St. Bernard, that portion of the Parish of Orleans on the right bank of the Mississippi river, and that portion of the City of New Orleans which lies below the line extending from the river Mississippi along the middle of Julia street, until it strikes the New Orleans Canal, and thence down said canal to the Lake.

##### SECOND DISTRICT.

That portion of the City of New Orleans which is situated above the line extending along the middle of Julia street until it strikes the New Orleans Canal, and thence down said Canal to the Lake, and the Parishes of Jefferson, St. John the Baptist, St. Charles, St. James, Ascension, Assumption, Lafourche Interior, Terrebonne, West Baton Rouge and Iberville.

##### THIRD DISTRICT.

The Parishes of St. Tammany, Washington, Livingston, St. Helena, East Baton Rouge, East Feliciana, West Feliciana, Point Coupee, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, St. Mary, St. Martin and St. Landry.

##### FOURTH DISTRICT.

The Parishes of Calcasieu, Rapides, Sabine, Natchitoches, DeSoto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll and Winn.



ART. 65. The office of one of the Associate Justices shall be vacated at the expiration of the second year, of another at the expiration of the fourth year, of a third at the expiration of the sixth year, and of the fourth at the expiration of the eighth year—so that one of the Judges of the Supreme Court shall be elected every second year.

ART. 66. The Secretary of State, on receiving the official returns of the first election, shall proceed immediately, in the presence and with the assistance of two Justices of the Peace, to determine by lot among the four candidates having the highest number of votes in their respective Districts, which of the Associate Justices elect shall serve for the term of two years, which shall serve for the term of four years, which for the term of six years, and which for the term of eight years, and the Governor shall issue commissions accordingly.

ART. 67. Any vacancy that may occur in the Supreme Court from resignation or otherwise, shall be filled by election for the remainder of the unexpired term; but if such remainder do not exceed one year, the vacancy shall be filled by Executive appointment.

ART. 68. The Supreme Court shall hold its sessions in New Orleans from the first Monday of the month of November to the end of the month of June, inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 69. The Supreme Court and each of the Judges thereof shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

ART. 70. No judgment shall be rendered by the Supreme Court without the concurrence of a majority of the Judges comprising the court. Whenever a majority cannot agree, in consequence of the recusation of any member or members of the court, the Judges not recused shall have power to call upon any Judge or Judges of the inferior courts, whose duty it shall be, when so called upon, to sit in the place of the Judges recused, and to aid in determining the case.

ART. 71. All Judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name, and by authority of the State of Louisiana, and conclude against the peace and dignity of the same.

ART. 72. The Judges of all courts within this State shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

ART. 73. The Judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of three-fourths of the members present of each house of the General Assembly. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address, and inserted in the Journal of each house.

ART. 74. There shall be an Attorney-General for the State, and as many District Attorneys as may be hereafter found necessary. They shall hold their

office for four years; their duties shall be determined by law.

ART. 75. The Judges, both of the Supreme and inferior Courts, shall, at stated times, receive a salary, which shall not be diminished during their continuance in office; and they are prohibited from receiving any fees of office, or other compensation than their salaries, for any civil duties performed by them.

ART. 76. The Legislature shall have power to vest in Clerks of Courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

ART. 77. The Judges of the several inferior courts shall have power to remove the Clerks thereof, for breach of good behavior, subject in all cases to an appeal to the Supreme Court.

ART. 78. The jurisdiction of Justices of the Peace shall be limited in civil cases to cases where the matter in dispute does not exceed one hundred dollars, exclusive of interest, subject to appeal in such cases as shall be provided for by law. They shall be elected by the qualified electors of each Parish, District or Ward, for the term of two years, in such manner, and shall have such criminal jurisdiction, as shall be provided for by law.

ART. 79. Clerks of the inferior Courts in this State shall be elected for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the Judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 80. A Sheriff and a Coroner shall be elected in each Parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed. The Legislature shall have the power to increase the number of Sheriffs in any Parish. Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the Governor; and the person so appointed shall continue in office until his successor shall be elected and qualified.

ART. 81. The Judges of the several inferior courts shall be elected by the duly qualified voters of their respective Districts or Parishes.

ART. 82. It shall be the duty of the Legislature to fix the time for holding elections for all Judges at a time, which shall be different from that fixed for all other elections.

ART. 83. The Attorney General shall be elected by the qualified voters of the State, and the District Attorneys by the qualified voters of each District, on the day of the election for Governor of the State.

ART. 84. The Legislature may determine the mode of filling vacancies in the offices of the inferior Judges, Attorney General, District Attorneys, and all other officers not otherwise provided for in this Constitution.

## TITLE V.

### IMPEACHMENT.

ART. 85. The power of impeachment shall be vested in the House of Representatives.

ART. 86. Impeachment of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and of the Judges of the inferior courts, Justices of the Peace excepted, shall be tried by the Senate; and the Chief Justice of the Supreme Court, or the senior Judge thereof, shall preside during the trial of such impeachment. Im-



peachments of the Judges of the Supreme Court, shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

ART. 87. Judgments in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under this State, but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

ART. 88. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment. The appointing power may make a provisional appointment to replace any suspended officer until the decision of the impeachment.

ART. 89. The Legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by indictment or otherwise.

## TITLE VI.

### GENERAL PROVISIONS.

ART. 90. Members of the General Assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation.

"I (A. B.) do solemnly swear (or affirm,) that I will support the Constitution of the United States and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States and of this State, and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending, so help me God."

ART. 91. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

ART. 92. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

ART. 93. Laws shall be made to exclude from office, and from right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon, from power, bribery, tumult or other improper practise.

ART. 94. No money shall be drawn from the Treasury but in pursuance of specific appropriation made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and accounts of the receipts and expenditures of the public money shall be published annually, in such manner as shall be prescribed by law.

ART. 95. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide difficulties by arbitration.

ART. 96. All civil officers for the State at large shall reside within the State, and all District or Parish officers within their Districts or Parishes and shall keep their offices at such places therein as may be required by law.

ART. 97. All civil officers, except the Governor and Judges of the Supreme and interior courts shall be removable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this Constitution.

ART. 98. In all elections by the people the vote shall be by ballot, and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 99. No member of Congress nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

ART. 100. The laws, public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the language in which the Constitution of the United States is written.

ART. 101. The Secretary of the Senate and Clerk of the House of Representatives shall be conversant with the French and English languages; and members may address either house in the French or English language.

ART. 102. No power of suspending the laws of this State shall be exercised, unless by the Legislature or by its authority.

ART. 103. Prosecutions shall be by indictment or information. The accused shall have a speedy public trial by an impartial jury of the vicinage; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 104. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great, or unless after conviction, for any offence or crime punishable with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

ART. 105. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

ART. 106. The press shall be free. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for an abuse of this liberty.

ART. 107. The Seat of Government shall be and remain at Baton Rouge, and shall not be removed without the consent of three-fourths of both houses of the General Assembly.

ART. 108. The State shall not subscribe for the stock of, nor make a loan to, nor pledge its faith for the benefit of any corporation or joint stock company, created or established for banking purposes, nor for other purposes than those described in the following article:

ART. 109. The Legislature shall have power to grant aid to companies or associations of individuals formed for the exclusive purpose of making works of



internal improvement, wholly or partially within the State, to the extent only of one-fifth of the capital of such companies, by subscription of stock, or loan of money or public bonds; but any aid thus granted shall be paid to the company only in the same proportion as the remainder of the capital shall be actually paid in by the stockholders of the company; and in case of loan such adequate security shall be required as to the Legislature may seem proper. No corporation or individual association receiving the aid of the State as herein provided, shall possess banking or discounting privileges.

ART. 110. No liability shall be contracted by the State as above mentioned, unless the same be authorized by some law for some single object or work, to be distinctly specified therein, which shall be passed by a majority of the members elected to both houses of the General Assembly; and the aggregate amount of debts and liabilities incurred under this and the preceding article, shall never at any one time exceed the sum of eight millions of dollars.

ART. 111. Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war; to repel invasion or suppress insurrection, they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due.

And the said law shall be irrevocable until principal and interest are fully paid and discharged, or unless the repealing law contain some other adequate provision for the payment of the principal and interest of the debt.

ART. 112. The Legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 113. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within the State is prohibited.

ART. 114. No divorce shall be granted by the Legislature.

ART. 115. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

ART. 116. No law shall be revived or amended by reference to its title; but in such case, the act revised or section amended, shall be re-enacted and published at length.

ART. 117. The Legislature shall never adopt any system or code of laws by general reference to such system or code of laws, but in all cases shall specify the several provisions of the laws it may enact.

ART. 118. Corporations with banking or discounting privileges may be either created by special acts, or formed under general laws; but the Legislature shall in both cases provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

ART. 119. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

ART. 120. In case of insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

ART. 121. The Legislature shall have power to pass such laws as it may deem expedient for the relief or revival of the Citizens' Bank of Louisiana, and the acts already passed for the same purpose are ratified and confirmed. Provided that the Bank is

subjected to the restrictions contained in articles 119 and 120 of this Constitution.

ART. 122. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

ART. 123. Taxation shall be equal and uniform throughout the State. All property on which taxes may be levied, in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 124. The citizens of the City of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the Mayor and Recorders shall be ineligible to a seat in the General Assembly; and the Mayor, Recorders, and Aldermen and Assistant Aldermen, shall be commissioned by the Governor as Justices of the Peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 125. The Legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 126. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution; and the office of any State officer, member of the General Assembly, or of any other person holding office of profit or trust under this Constitution and the laws made in pursuance thereof, shall be *ipso facto* vacated by the fact of any such person committing the offence mentioned in this article; and the Legislature shall provide by law for the ascertaining and declaration of such forfeiture.

ART. 127. The Legislature shall have power to extend this Constitution and the jurisdiction of this State over any territory acquired by compact with any State, or with the United States, the same being done by the consent of the United States.

ART. 128. None of the lands granted by Congress to the State of Louisiana for aiding it in constructing the necessary levees and drains, to reclaim the swamps and overflowed lands in this State, shall be diverted from the purposes for which they were granted.

ART. 129. The Constitution and laws of this State shall be promulgated in the English and French languages.

## TITLE VII.

### INTERNAL IMPROVEMENTS.

ART. 130. There shall be a Board of Public Works, to consist of four Commissioners. The State shall be divided by the Legislature into four Districts, containing as nearly as may be an equal number of voters, and one Commissioner shall be elected



in each District, by the legal voters thereof, for the term of four years; but, of the first elected, two, to be designated by lot, shall remain in office for two years only.

ART. 131. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the election and compensation of the Commissioners and the organization of the Board. The Commissioners first elected shall assemble on a day to be appointed by law, and decide by lot the order in which their terms of service shall expire.

ART. 132. The Commissioners shall exercise a diligent and faithful supervision over all public works, in which the State may be interested, except those made by joint stock companies. They shall communicate to the General Assembly, from time to time, their views concerning the same, and recommend such measures as they may deem necessary, in order to employ to the best advantage and for the purposes for which they were granted, the swamps and overflowed lands conveyed by the United States to this State. They shall appoint all officers engaged on the public works, and shall perform such other duties as may be prescribed by law.

ART. 133. The Commissioners may be removed by the concurrent vote of a majority of all the members elected to each House of the General Assembly; but the cause of the removal shall be entered on the journal of each House.

ART. 134. The General Assembly shall have power by a vote of three-fifths of the members elected to each house, to abolish said Board, whenever in their opinion a Board of Public Works shall no longer be necessary.

### TITLE VIII.

#### PUBLIC EDUCATION.

ART. 135. There shall be elected a Superintendent of Public Education, who shall hold his office for the term of two years. His duties shall be prescribed by law, and he shall receive such compensation as the Legislature may direct; provided that the General Assembly shall have power by a vote of the majority of the members elected to both houses, to abolish the said office of Superintendent of Public Education, whenever in their opinion said office shall be no longer necessary.

ART. 136. The General Assembly shall establish free Public Schools throughout the State, and shall provide for their support by general taxation on property or otherwise: and all moneys so raised or provided, shall be distributed to each Parish in proportion to the number of free white children between such ages as shall be fixed by the General Assembly.

ART. 137. The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools, and of all lands which may hereafter be granted or bequeathed to the State, and not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent.; which interest, together with the interest on the trust funds deposited with this State by the United States, under the act of Congress approved June 23, 1836, and all the rents of the unsold lands shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 138. All moneys arising from the sales which have been, or may hereafter be made, of any lands heretofore granted by the United States to this State, for the use of a Seminary of Learning, and from any kind of donation that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which at six per cent. per annum, shall be appropriated to the support of a Seminary of Learning, for the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other use than to the establishment and improvement of said Seminary of Learning.

ART. 139. The University of Louisiana, in New Orleans, as now established, shall be maintained.

ART. 140. The Legislature shall have power to pass such laws as may be necessary for the further regulation of the University, and for the promotion of literature and science, but shall be under no obligation to contribute to the support of said University by appropriations.

### TITLE IX.

#### MODE OF REVISING THE CONSTITUTION.

ART. 141. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election for Representatives to the State Legislature, in at least one newspaper, in French and English, in every Parish in the State in which a newspaper shall be published; and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of the Constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

### TITLE X.

#### SCHEDULE.

ART. 142. The Constitution adopted in eighteen hundred and forty-five is declared to be superceded by this Constitution, and in order to carry the same into effect, it is hereby declared and ordained as follows:

ART. 143. All rights, actions, prosecutions, claims and contracts, as well as of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if the same had not been adopted.

ART. 144. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superceded thereby, but the laws of the State relative to the duties of the several officers, Executive, Judicial and Military, shall remain in full force, though the same be contrary to this Constitution, and the several duties shall be performed by the respective officers of the State, according to the existing laws, until the organization of the Government under this Constitution, and the entering into office of the new officers, to be appointed under said Government, and no longer.



ART. 145. Appointments to office by the Executive under this Constitution, shall be made by the Governor to be elected under its authority.

ART. 146. The Legislature shall provide for the removal of all causes now pending in the Supreme Court or other Courts of the State under the Constitution of 1845, to Courts created by or under this Constitution.

ART. 147. The time of service of all officers chosen by the people at the first election under this Constitution, shall terminate as though the election had been holden on the first Monday of November, 1851, and they had entered on the discharge of their duties at the time designated therein. The first class Senators, designated in article 17, shall hold their seats until the day of the closing of the general elections in November, 1853, and the second class until the day of the closing of the general elections in November, 1855.

ART. 148. The first election for Judges of the Supreme Court shall be held on the first Monday of April next, (1853) and they shall enter into office on the first Monday of May, 1853.

ART. 149. The first term of service of the District Attorneys and the Clerks of the inferior courts to be ordered and established under this Constitution, shall be regulated by the term of service of the first Governor; so that a new election for these officers shall be held on the first Monday of November, 1855.

## TITLE XI.

### ORDINANCE.

ART. 150. Immediately after the adjournment of the Convention, the Governor shall issue his Proclamation, directing the several officers of this State, authorized by law to hold elections for members of the General Assembly, to open and hold a poll in every Parish of the State, at the places designated by law, upon the first Tuesday of November next, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of this Constitution; and it shall be the duty of said officers to receive the votes of all persons entitled to vote under the old Constitution and under this Constitution. Each voter shall express his opinion by depositing in a separate box, kept for that purpose, a ticket, whereon shall be written "the Constitution accepted," or "the Constitution rejected," or some such words as will distinctly convey the intention of the voter. At the conclusion of said election, which shall be conducted in every respect as the general State election is now conducted, the commissioners designated to preside over the same shall carefully examine and count each ballot so deposited, and shall forthwith make due returns thereof to the Secretary of State, in conformity to the provisions of the existing law upon the subject of elections.

ART. 151. Upon the receipt of the said returns, or on the 5th Monday in November, if the returns be not sooner received, it shall be the duty of the Governor, the Secretary of State, the Attorney General, and the State Treasurer, in the presence of all such persons as may choose to attend, to compare the votes given at the said poll, for the ratification and rejection of this Constitution, and if it shall appear from said return that a majority of all the votes given is for ratifying the Constitution, then it shall be the duty of the Governor to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State of Louisiana. But whether this Constitution be accepted or rejected, it shall be the duty of the

Governor to cause to be published in the official paper of the Convention the result of the polls, showing the number of votes cast in each Parish for and against the said Constitution.

ART. 152. Should this Constitution be accepted by the people, it shall also be the duty of the Governor forthwith to issue his proclamation, declaring the present Legislature, elected under the old Constitution, to be dissolved, and directing the several officers of the State, authorized by law, to hold elections for members of the General Assembly, to hold an election at the places designated by law, upon the fourth Monday of December next, for Governor, Lieutenant Governor, members of the General Assembly, Secretary of State, Attorney General, Treasurer and Superintendent of Public Education. And the said election shall be conducted, and the returns thereof made in conformity with existing laws upon the subject of State elections.

ART. 153. The General Assembly elected under this Constitution shall convene at the State House, in Baton Rouge, upon the third Monday of January next (1853,) after the elections; and the Governor and Lieutenant Governor, elected at the same time, shall be installed in office during the first week of this session, and before it shall be competent for the said General Assembly to proceed with the transaction of business.

ART. 154. All the publications herein ordered shall be made in the Official Journal of the Convention.

ART. 155. This Constitution shall be published in French and English in the Official Journal of the Convention, from the period of its adjournment until the first Tuesday of November, (1852,) one thousand eight hundred and fifty-two.

On motion of Mr. Benjamin the Constitution, as enrolled, was ordered to be read article by article, which having been done, was, on motion of the same delegate, adopted by yeas and nays, as follows:

Honorable D. F. Kenner, President of the Convention, and Messrs. Akenhead, Avery, Andrews, Anderson of Carroll, Armant, Bradford, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Dalferes, Delony, Douglass, Dufour, Duguc, Duffel, Edwards of Orleans, Edwards of Washington, Eggleston, Eustis, Gardere, Guion, Hatch, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Jennings, Jourdan, Jones, Key, King of St. Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews of Orleans, Mathews of Point Coupee, Marrero, Martin, Monge, Nicholls, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Phillips, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staes, Swazey, Shaw, Scarborough, Shelton, Smith of West Feliciana, Sibley, Simms, Stewart, Tatman, Talbot, Taliaferro, Thompson, Todd, Toulouse, VanWickle, Villere, Waddill, Williams, Whittington and Wileoxon—98 yeas.

Messrs. Farmer, Isaacks, King of Jackson, Pierce, Richardson of Ouachita, Sandidge, Smart, and Smith of Winn—8 nays.

Consequently the Constitution was adopted, and was so proclaimed by the President of the Convention.

Mr. Smart submitted the following as his reason for the vote given by him on the final adoption of the Constitution, and asked leave that the same should be spread on the journal, which was granted:

I vote no, because, in my opinion, the total popula-



tion, as established in this Constitution, places the African and the white man on a level, so far as representation in the General Assembly is concerned, which principle I can never sanction. [Signed.] J. R. SMART.

State House, Baton Rouge, July 31, 1852.

Mr. Parham presented the certificates of Mr. Wm. Perkins, Representative Delegate elected from the Parish of Madison, in place of Mr. A. Snyder, resigned.

The following named delegates presented the following as their reasons for the vote given by them respectively on the final adoption of the Constitution, to-wit :

I vote *yes*, not because I like the new Constitution in all of its details, but because I like it better than the Constitution of 1845. [Signed.] R. A. HARGIS.

I desire to state that I am entirely opposed to some of the provisions of the Constitution, but inasmuch as it has to be submitted to the people for adoption or rejection, and inasmuch, also, as the provision for amendment affords more facility for alteration or change, than the existing Constitution, I vote *yes* on its adoption.

[Signed.] DELONY.

Mr. Preaux offered the following resolution, which being read, was, on motion, adopted :

Resolved, That the thanks of this Convention be respectfully tendered to the reverend gentlemen who daily attended this Convention, with their prayers, and who have invoked the blessings of the Almighty God upon the labors of this Convention.

Mr. Herron offered the following resolution, which, being read, was, on motion, adopted :

Resolved, That the members of this Convention who are now absent, may sign the Constitution at any time within three months from this date.

Mr. Richardson, of Ouachita, offered the following resolution, which, being read, was, on motion, unanimously adopted :

Resolved, That the thanks of this Convention are hereby tendered to Col. J. B. Walton, Secretary of this Convention, for the able and efficient manner in which he has discharged his duties.

On motion of Mr. Carter, the Secretary was ordered to call the delegates alphabetically, to sign the Constitution, and the following delegates affixed their signatures to the same, to-wit :

Hon. Duncan F. Kenner, Senatorial Delegate of St. John the Baptist and Ascension, President of the Convention ; Akenhead, of St. Landry ; Avery, Andrews ; of Orleans ; Anderson, of Carroll ; Armant, of St. James ; Addison, of Livingston ; Bradford, of Orleans ; Bartlett, of Natchitoches ; Benjamin, of Orleans, (Senatorial Delegate) ; Bernard, of Lafourche Interior ; Beale, of East Baton Rouge ; Beard, of Catahoula ; Bienville, of Plaquemines, St. Bernard and Orleans, (right bank) ; Brother, of Orleans ; Boudousquie, of St. John the Baptist ; Boyer, of Avoyelles ; Bullard, of Natchitoches nad Winn, (Senatorial Delegate) ; Buisson, Byrne, Castellanos, of Orleans ; Carter, of East Feliciana ; Campbell, of Natchitoches ; Collens, of Orleans ; Cotton, of Jefferson ; Connely, of Terrebonne ; Conrad, of East Baton Rouge ; Dalferes, of Assumption ; Delony, of East Feliciana ; Douglass, of Caddo ; Dufour, of Orleans, (Senatorial Delegate) ; Duguc, of Jefferson and St. Charles ; Duffel, of Ascension ; Edwards, of Orleans ; Edwards, of Washington ; Eggleston, Eustis, of Orleans ; Farmer, of Union ; Gardere, of Jefferson and St. Charles ; Guion, of Assumption, Lafourche Interior and Terrebonne ; Hatch, of St. Helena ; Hayes, of Orleans ; Harris, Hargis, of Claiborne ; Herron, of East Baton Rouge and Livingston ; Hebert, of Iberville ; Hernandez, of Orleans ; Hough, of Caldwell ; Hodges, of Bossier ; Hunt, of Orleans, (Senatorial Delegate) ; Isaacks, of Rapides ; Jennings, of Orleans ; Jourdan, of Jefferson ; Jones, of St. Tammany ; Key, of Lafourche Interior ; King, of St. Landry ; King, of Jackson ; Lapeyre, Leefe, of Orleans ; LeBlanc, of Ascension ; Lobdell, of West Baton Rouge ; Lyle, of Iberville and West Baton Rouge ; McIlhenny, of Orleans ; McMillen,

of DeSoto ; Mathews, of Orleans ; Mathews, of Point Coupee ; Marrero, of St. Bernard ; Martin, of St. Landry ; Mather, of St. James ; Monge, Nicholls, of St. Martin ; Parham, of Madison and Carroll ; Palfrey, of St. Mary ; Paxton, of Lafayette ; Patterson, of East Feliciana ; Preaux, Priece, of Orleans ; Phillips, of West Feliciana ; Pugh, of Assumption ; Reeves, of Tensas ; Richardson, of Ouachita, Morehouse, Union and Jackson ; Richardson, of St. Mary ; Rixner, of St. Charles ; Risk, Roselius, of Orleans, (Senatorial Delegate) ; Roman, of St. John the Baptist, St. James and Ascension ; Ronquillo, of Plaquemines ; Sandidge, of Claiborne, Bossier and Bienville ; St. Paul, Staes, of Orleans ; Smart, of Sabine ; Swazey, of St. Landry ; Shaw, of Concordia ; Scarborough, of Ouachita ; Shelton, of Franklin ; Smith, of West Feliciana ; Smith, of Winn ; Sibley, of Avoyelles and Rapides ; Simms, of Point Coupee ; Stewart, of Iberville and West Baton Rouge ; Perkins, of Madison ; Tatman, of St. Landry and Calcasieu ; Talbot, of Iberville ; Thompson, of St. Helena, Washington and St. Tammany ; Todd, of Morehouse ; Toulouse, of Lafayette ; Van Winckle, of Point Coupee ; Villere, of Plaquemines ; Waddill, of Rapides and Avoyelles ; Williams, of Lafourche Interior ; Whittington, of Rapides ; and Wilcoxon, of Vermillion—113.

Mr. Hunt moved that the Convention adjourn *sine die*, whereupon the President, before proceeding to put the question for the last time, said :

"Allow me, gentlemen, to address you a few words of congratulation and thanks. I congratulate you on this happy termination of your labors. You have been emphatically a working, not a speaking Convention, and the result has been, that in less than five and twenty days, at a season of the year exceedingly unsuited to severe mental labor, you have remodeled the organic law of the State in such a manner as will redound to your honor and to the prosperity of the people. It has been said that the greatest evidence of regard a man can confer on his fellow man is to clothe him with the law making power. If this be true, in the ordinary sense of the word, how much greater must have been the confidence manifested in you, who have been empowered to frame the organic law which is to serve as a guide to the legislative and law-making power. The importance of the trust has been felt by you, and the assiduity with which you have labored to discharge the duties incidental thereto, will be highly appreciated by your constituents. The Constitution you have just adopted, though in each and every particular it may not prove acceptable to every section, will, as a whole, meet the hearty approbation of a large majority of the inhabitants of the State.

"Gentlemen, I congratulate you also, on the harmony and good will which have usually characterized your proceedings. Though in the heat and collision of debate an occasional spark of excitement has been elicited, I am happy to say that, like the sparks struck from the flint, it died at the moment of its birth ; and I believe that you will separate without an ill feeling or any angry passion existing in the heart of one member against another.

"I have told you that a seat in this Convention was one of great honor and responsibility. How much more responsible, then, is the position which your partiality assigned me as your presiding officer. The honor has more than filled any object of my ambition. The responsibility has been deeply felt. In assuming the Chair, I promised zeal, fidelity and strict impartiality in the discharge of its duties.

"This pledge I have endeavored to redeem ; with what success, you, gentlemen, are the only and best judges. Allow me to thank you for the kind terms in which you have expressed that judgment, in the resolutions, so complimentary to the Chair, which have just passed this Convention. I cannot forbear further to thank you for the indulgence and respect with which you have ever listened to and ever abided by the decisions of the Chair.

"You are now, gentlemen, about to separate—many of you never to meet again. May health and happiness attend you all. May you long live to see our State prosper at home, and respected among the other States of the Union.

"Gentlemen, it becomes my duty, in response to the vote just given, to announce that this Convention stands adjourned *sine die*."

The Convention then adjourned at 10 o'clock P. M.

J. B. WALTON, Secretary of the Convention.



JOURNAL

DE

LA CONVENTION

CHARGÉE DE FAIRE UNE

NOUVELLE CONSTITUTION

POUR

L'ETAT DE LA LOUISIANE.

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[ OFFICIEL. ]

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NOUVELLE-ORLEANS:

IMPRIMERIE DU CRESCENT.

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1852.







# JOURNAL DE LA CONVENTION D'ETAT.

LUNDI, 5 juillet 1852.

Le cinquième jour de juillet 1852, étant celui fixé par la 9e section de l'Acte intitulé : Acte pour prendre le sens du peuple sur l'opportunité de convoquer une Convention pour changer la Constitution et pourvoir à l'élection de délégués, et à la manière de tenir la Convention," la Convention s'est, en conséquence, réunie au siège du gouvernement dans la ville de Baton-Rouge, paroisse d'Est Baton Rouge.

Sur motion de M. King, délégué de la paroisse de St-Landry, M. Conrad, délégué de la paroisse d'Est-Baton-Rouge, a été nommé président "pro tem." et M. Layet secrétaire "pro tem."

Le même délégué propose que l'appel des délégués soit fait par ordre de paroisses, laquelle motion a prévalu.

Sur motion, l'appel se fait, et les délégués suivants sont présents et répondent à leurs noms :

## DISTRICTS SENATORIAUX.

Charles Bienvenu, pour les paroisses Plaquemines, St-Bernard et Orléans, rive droite ; J. P. Benjamin, C. Dufour, L. Mathews, C. Roselius, d'Orléans ; F. Dugue, F. Gardère, de Jefferson et Saint-Charles ; D. F. Kenner, A. B. Roman, de St-Jean Baptiste, St-Jacques et Ascension ; Geo. S. Guion, B. G. Thibodeau, Assomption, Lafourche Intérieure et Terrebonne ; W. J. Lyle, W. R. Stewart, Iberville et Ouest Baton-Rouge ; A. S. Herron, Est Baton Rouge et Livingston ; H. Thompson, Ste-Hélène, Washington et St-Tammany ; Edouard Deloney, Est Féliciana ; P. C. Smith, Ouest Féliciana ; S. Van Wickle, Pointe Coupée ; S. W. Dorsey, Concordia et Tensas ; W. S. Parham, Madison et Carroll ; M. H. Dosson, Catahoula, Franklin et Caldwell ; R. W. Richardson, Ouachita, Morehouse, Union et Jackson ; J. M. Sandidge, Claiborne, Bossier et Bienville ; D. F. Roysdon, Caddo, De Soto et Sabine ; C. A. Bullard, Natchitoches ; R. H. Sibley, J. P. Waddill, Rapides et Avoyelles ; T. C. Anderson, C. D. Tatman, St-Landry et Calcasieu ; A. J. Moss, Lafayette et Vermillion ; Alex. Declouet, St-Martin ; W. T. Palfrey, Ste-Marie.

## DÉLÉGUÉS REPRÉSENTATIFS.

MM. M Ronquillo et C. G. Villeré, Plaquemines ; A. Marréro, St Bernard ; Chas Robinson, Orlé-

ans, rive droite ; D. Byrne, A. McIlhenny, 1er District, Orléans ; C. J. Leeds, E. A. Bradford, N. R. Jennings, 2d district do ; R. Hunt, J. W. Price, H. T. Hays, S. J. Risk, Alex. Brother, W. H. Avery, 3me district, do ; M. C. Edwards, J. W. Andrews et H. B. Eggleston, 4me district, do ; J. M. Lapeyre, F. Buisson et Robert Preaux, 5me district, do ; T. W. Collens et Henry St Paul, 6me district, do ; H. C. Castellanos et Eugène Staës, 7me district, do ; John B. Leefe et George Eustis Jr., 8me district, do ; M. Hernandez, 9me dist do ; J. B. Cotton et L. A. Besançon, Jefferson ; George Rixner, St Charles ; L. Boudousquié, St Jn Baptiste ; George Mather et J. S. Armant, St Jacques ; Edward Duffell, Ascension ; W. W. Pugh, D. Le Blanc et C. Dalferes, Assomption ; H. Bernard, P. B. Key et J. S. Williams, Lafourche Int ; G. F. Connely, Terrebonne ; P. O. Hébert et A. Talbot, Iberville ; J. L. Lobdell, Ouest Baton Rouge ; R. G. Beale et F. D. Conrad, Est Baton Rouge ; D. Addison, Livingston ; F. H. Hatch, Ste Hélène ; N. S. Edwards, Washington ; J. R. Jones, St Tammany ; W. Patterson et A. G. Carter, Est Féliciana ; U. B. Phillips, Ouest Féliciana ; B. B. Simms et J. L. Matthews, Pointe Coupée ; H. B. Shaw, Concordia ; L. V. Reeves, Tensas ; Robert Anderson, Carroll ; J. G. Taliafero et Wm Beard, Catahoula ; J. M. Shelton, Franklin ; W. H. Hough, Caldwell ; T. C. Scarborough, Ouachita ; R. B. Todd, Morehouse ; W. W. Farmer, Union ; P. G. King, Jackson ; P. T. Harris et R. A. Hargis, Claiborne ; W. Benj. Pierce, Bienville ; Robert Hodges, Bossier ; W. R. Douglass, Caddo ; D. B. McMillen, Desoto ; J. R. Smart et E. C. Davidson, Sabine ; J. G. Campbell et Solon Bartlett, Natchitoches ; A. J. Isaacks et W. W. Whittington, Rapides ; John H. Boyer, Avoyelles ; John E. King, C. L. Swazey, E. H. Martin et J. Akenhead, St Landry ; A. Pujo, Calcasieu ; B. P. Paxton, Lafayette ; H. H. Wilcoxon, Vermillion ; E. Monge, C. M. Olivier et T. C. Nichols, St Martin ; D. D. Richardson et J. G. Olivier, St Marie.

## RECAPITULATION.

32 délégués sénatoriaux, et

93 délégués représentants.

M. Sandidge, délégué des paroisses de Claiborne, Bossier et Bienville, a présenté la résolution suivante, laquelle, sur motion, a été adoptée :



Il est résolu Que les personnes, dont les noms paraissent sur les listes certifiées par le secrétaire, d'après les retours faits à son bureau, soient reconnues comme déléguées à cette Convention.—Sujets cependant à la contestation de ce droit, en cas qu'il en soit institué

Sur motion de M King de St-Landry, la Convention a procédé à l'élection, viva voce, d'un président. Le même délégué a nommé M. D. F. Kenner, délégué des paroisses de St-Jean Baptiste, St-Jacques et Ascension ; et M Phillips d'Ouest Féliciana a nommé M. A. G. Carter, délégué représentant la paroisse d'Est Féliciana.

L'appel nominal ayant été fait, il a paru que messieurs

Armand, Anderson de St-Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Bradford, Benjamin, Bernard, Brother, Boudousquié, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugué, Duffell, Edwards d'Orléans, Edwards de Washington, Eggleston, Gardère, Guion, Hayes, Harris, Hernandez, Hodges, Hunt, Jennings, Jones, Key, King de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Matthews, d'Orléans, Martin, Mather, Monge, Nicholls, Olivier de Ste-Marie, Olivier de St-Martin, Palfrey, Preaux, Price, Pujo, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, St-Paul, Staës, Swazey, Shaw, Scarborough, Smith de Ouest Féliciana, Tatman, Taliafero, Thibodeaux, Thompson, Todd, Williams, et Wilcoxon.

75 délégués ont voté pour M. D. F. Kenner, et que

MM. Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Cotton, Dalfères, Deloney, Eustis, Farmer, Hatch, Hargis, Herron, Hebert, Hough, Isaacks, Kenner, King de Jackson, Le Blanc, McMillen, Mathews de la Pointe-Coupée, Marrero, Moss, Parham, Paxton, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson de Ouachita, Morehouse, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith de Winn, Simms, Stewart, Talbot, Van Wickle, Villeré et Wittington.

48 délégués ont voté pour M. A. G. Carter ; et M. Carter a voté pour M. P. O. Hébert.

M. Kenner ayant reçu la majorité voulue, a été déclaré duement élu Président de la Convention, et a pris son siège.

M. Kenner a alors remercié la Convention de l'honneur qui lui avait été fait, dans les termes suivants :

Messieurs,

En me levant pour vous offrir mes sincères remerciements de la grande confiance que vous venez de me témoigner en m'élevant à la charge importante de Président de la Convention, il n'est pas mon intention de faire un discours, —ayant été appelé d'une manière inattendue à vous adresser quelques mots—mais seulement de vous promettre que je mettrai, dans mon zèle à m'acquitter des devoirs de la charge difficile dont vous m'avez honoré, la plus stricte

impartialité, le peu d'habileté que je possède, et une fidélité sans bornes. Les devoirs difficiles qui me sont imposés, seront adoucis par la confiance aveugle que j'ai dans votre soutien lorsque je serai dans mon droit, et dans votre indulgence quand j'aurai tort.

En conclusion, permettez-moi de vous faire observer que dans le cours de ma carrière législative, j'ai remarqué que les affaires d'un corps législatif étaient beaucoup facilitées par la stricte obéissance des membres aux règlements adoptés.

Sur motion de M. King de St-Landry, la Convention a procédé à l'élection d'un secrétaire, et le même délégué a nommé comme candidat, M. John E. Layet.

L'appel nominal ayant été fait il a paru que

MM. Kenner de l'Assomption, président ; Armand, Anderson, Akenhead, de St-Landry et de Calcasieu, Avery, Andrews, Anderson de Carroll, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Cotton, Connely, Conrad, Dalfères, Davidson, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugué, Duffell, Edwards, d'Orléans, Edwards de Washington, Eggleston, Eustis, Farmer, Gardère, Guion, Hayes, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King, de St-Landry, King de Jackson, Lapeyre, Leefe, Leeds, Le Blanc, Lobdell, Lyle, Mc Ilhenny, Mc Millen, Mathews, d'Orléans, Mathews, de la Pointe-Coupée, Marrero, Martin, Mather, Moss, Monge, Nichols, Olivier de St. Martin, Olivier, de Ste Marie ; Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Phillips, Pujo, Pugh, Reeves, Richardson, de O. de M. de U. et de J ; Richardson, de Ste Marie ; Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Staës, Swazey, Stewart, Shaw, Scarborough. Shelton, Smith de Ouest Féliciana ; Smith, de Winn ; Silbey, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, Van Wickle, Villeré, Williams et Whittington, 120 ont voté pour M. J. E. Layet.

Et messieurs Besançon et Hébert, 2 ont voté pour M. Horatio Davis.

Et messieurs Carter, Deloney et Hatch, 3 ont voté pour M. H. Skipwith.

M. Layet ayant reçu la majorité requise, a été déclaré dûment élu secrétaire de la Convention.

M King, de St Landry, fait alors la motion, que l'on procède à l'élection d'un assistant-secrétaire de la Convention, laquelle motion a prévalu.

M. Castellanos a nommé M. Jules Cassard.

L'appel nominal ayant été fait il a paru que : l'Hon. D. F. Kenner, président de la Convention

Messieurs Armand, Anderson, de St Landry ; Akenhead, Avery, Addison, Bradford, Bartlett, Benjamin, Besançon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Castellanos, Campbell,



Collens, Cotton, Connely, Conrad, Dalferes, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugué, Duffell, Edwards, d'Orléans; Edwards, de Washington; Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Hébert, Herron, Hernandez, Hodges, Hunt, Isaacks Jennings, Jones, Key, King, de St Landry; Lapeyre, Leefé, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, McMillen, Matthews, d'Orléans; Matthews, de Pointe Coupée; Marrero, Martin, Mather, Moss, Monge, Nichols, Olivier, de St Martin; Olivier, de Ste Marie; Parham, Palfrey, Paxton, Preaux, Price, Phillips, Pujo, Pugh, Reeves, Richardson, de Ouachita; Richardson, de Ste Marie; Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Staës, Smart, Swazey, Shaw, Scarborough, Smith, de Ouest Féliciana; Smith, de Winn; Sibley, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, Van Wickle, Villeré, Williams, Whittington et Wilcoxon, 113 membres ont voté pour M. Jules Cassard.

M. Cassard ayant obtenu le vote unanime de la Convention, a été déclaré dûment élu assistant-secrétaire de la Convention.

Sur motion de M. King, de St Landry, la Convention procède à l'élection d'un imprimeur.

M. Castellanos, nommé M. Joseph Maddox, du Daily Crescent.

Et M. Cotton, nommé M. John G. Fanning, du Louisiana Statesman.

L'appel nominal étant fait, il appert que :

L'Hon. D. F. Kenner, président de la Convention

Messieurs Armant, Anderson, de St Landry; Akenhead, Avery, Anderson, de Carroll; Bradford, Bartlett, Benjamin, Bernard, Bienvenu, Brother, Boudousquié, Boyer, Buisson, Byrne, Castellanos, Carter Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugué, Duffell, Edwards, d'Orléans; Edwards, de Washington; Eggleston, Eustis Jr., Farmer, Gardère, Guion, Hatch, Hays, Harris, Hargis, Hernandez, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King, de St Landry; King, de Jackson; Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Matthews, d'Orléans; Matthews, de Pte Coupée; Marréro, Martin, Monge, Nicholls, Olivier, de St Martin; Olivier, de Ste Marie; Parham, Palfrey, Patterson, Preaux, Price, Pierce, Phillips, Pujo, Pugh, Reeves, Richardson de Ouachita; Richardson, de Ste Marie; Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, St Paul, Staës, Swazey, Shaw, Scarborough, Smith, de Ouest Féliciana; Sibley, Stewart, Tatman, Taliafero, Thibodeaux, Thompson, Todd, Villeré, Williams et Whittington, 99 délégués ont voté pour M. Joseph Maddox.

Et que messieurs Addison, Besançon, Beale, Beard, Bullard, Cotton, Dalferes, Deloney, Herron, Hébert, Hough, Le Blanc, Moss, Paxton, Robinson, Smart, Shelton, Smith, Simms, Talbot et Van Wickle, 21 délégués ont voté pour M. J. G. Fanning.

M. Joseph Maddox ayant obtenu la majorité

requis, est déclaré dûment élu imprimeur de la Convention.

M. St Paul a présenté la résolution suivante; laquelle ayant été lue, a été adoptée à l'unanimité :

Attendu que, la nouvelle vient d'arriver en cette ville de la mort de l'Hon. Isaac T. Preston, l'un des Juges-associés de la Cour Suprême de la Louisiane :

Il est résolu que par respect pour le décédé, la Convention s'ajourne à demain, le six, à 10 heures A. M.

MARDI, 6 juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, de l'Ascension, président de la Convention, occupe le fauteuil, et MM. Anderson de St-Landry, Avery, Anderson, de Carroll, Armant, Addison, Bradford, Benjamin, Besançon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Connely, Conrad, Dalferès, Davidson, Delony, Declouet, Dorsey, Dosson, Douglas, Dufour, Dugué, Duffell, Edwards, d'Orléans, Edwards, de Washington, Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King, de St-Landry, King, de Jackson, Lapeyre, Leefe, Leeds, Leblanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews, d'Orléans, Mathews, de la Pointe Coupée, Marrero, Martin, Mather, Moss, Mongé, Nicholls, Olivier, de St-Martin, Olivier, de Sainte-Marie, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Phillips, Pujo, Pugh, Reeves, Richardson, d'O. M. et W. et J., Richardson, de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, Saint-Paul, Staës, Smart, Swazey, Shaw, Scarborough, Shelton, Smith, d'Ouest Féliciana, Smith, de Wynn, Sibley, Simms, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, VanWickle, Williams, Wittington, Wilcoxon, — 117 délégués répondent à leurs noms.

M. Gardère présente la résolution suivante, qui est lue et adoptée :

Résolu que le président nomme un "Comité des dépenses contingentes" de la Convention, composé de cinq membres, qui auront la surintendance et le contrôle des dépenses de cette Assemblée et qui régleront et reviseront les réclamations des membres pour leurs frais de voyage et leur "per diem" tant qu'ils seront présents à la Convention.

Le président nomme MM. Gardère, Roysden, Sibley, Leblanc, et Byrne, membres de ce Comité.

M. Sandidge, présente la résolution suivante :

Résolu que la Convention adopte provisoirement les règles et les ordonnances adoptées par



la Chambre des Représentants à la dernière Législature de cet Etat.

Et qu'un comité, composé de cinq membres, soit nommé pour préparer et présenter des règlements permanents à la session de demain.

Sur la motion de M. Herron, les mots "Chambre des Représentants à la dernière Législature de cet Etat" sont effacés et les mots "Convention de 1845" y sont substitués.

Sur une motion subséquente, la résolution est adoptée avec l'amendement.

Le président nomme MM. Sandidge, King, de St-Landry, Carter, Swazey et Bradford, membres de ce comité.

M. Cotton présente la résolution suivante :

Résolu que le clergé des diverses sectes religieuses de la ville de Baton-Rouge soit invité à assister alternativement aux assemblées de la Convention et à en ouvrir les délibérations par des prières à la Divine Providence.

M. Preaux propose d'amender la susdite résolution en y ajoutant :

Résolu qu'une copie de la susdite résolution soit transmise au clergé de chacune des sectes religieuses de cette ville, "avec l'invitation d'assister à la Convention tous les jours."

Sur motion, l'amendement est rejeté et sur une motion subséquente, la résolution originale est adoptée.

Sur la motion de M. King, de St-Landry, la Convention procède à l'élection du sergent d'armes de la Convention, et

Le même délégué nomme M. Ch. L. Marshall, comme candidat.

M. Preaux nomme M. L. Spérier.

M. Beale nomme M. J. Foster.

On fait l'appel nominal, et les délégués qui suivent votent pour M. Ch. L. Marshall :

L'Hon. D. F. Kenner, président ; MM. Anderson, de St-Landry, Akenhead, Avery, Andrews, Anderson, de Carroll, Bradford, Benjamin, Bernard, Beard, Bienvenu, Brother, Bullard, Byrne, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Dosson, Douglass, Dugué, Edwards, d'Orléans, Edwards, de Washington, Eggleston, Eustis, Guion, Hayes, Harris, Hargis, Hébert, Hough, Hodges, Hunt, Jennings, Jordan, Jones, Key, King, de St-Landry, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews, d'Orléans, Marrero, Martin, Mather, Nicholls, Olivier, de St-Martin, Olivier, de Ste-Marie, Palfrey, Paxton, Price, Pierce, Phillips, Pujo, Reeves, Richardson, de O. M. W. et J., Richardson, de Ste-Marie, Roysden, Ronquillo, Robinson, Sandidge, Swazey, Shaw, Scarborough, Shelton, Smith, d'O. Féliciana, Sibley, Simms, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, Van Wickle, Villeré, Williams et Wilcoxon, — 83 voix.

Et les délégués suivants votent pour M. L. Spérier :

MM. Armant, Boudousquié, Buisson, Castellanos, Campbell, Dalférès, Dufour, Duffel, Gardère, Hernandez, Lapeyre, Leblanc, Monge Preaux, Pugh, Rixner, Risk, Rosélius, Roman, St-Paul, et Staës, — 21 voix.

Et MM. Addison, Besançon, Beale, Boyer,

Carter, Cotton, Delony, Farmer, Hatch, Herron, Isaacks, King, de Jackson, Mathews, de la Pointe Coupée, Moss, Parham, Patterson, Smart, Smith, de Winn, Stewart et Wittington, 20 délégués votent pour M. J. Foster.

M. Chs. L. Marshall, ayant reçu la majorité requise, le président le proclame dûment élu sergent d'armes de la Convention.

Sur la motion de M. Staës, la Convention procède à l'élection d'un portier, et

Le même délégué nomme M. D. Veau, candidat pour cette place.

M. Richardson, de Ste-Marie, nomme M. Antoine Toulouse.

M. Gardère nomme M. Chs. Lemaitre.

M. Lobdell nomme M. J. A. Hébert.

M. Thompson nomme M. R. C. Self.

M. Collens nomme M. L. Exnicios.

M. Herron nomme M. Lesage.

Le secrétaire fait l'appel nominal et l'Hon. D. F. Kenner, président, MM. Anderson, de Saint-Landry, Akenhead, Avery, Andrews, d'Orléans, Anderson, Bradford, Bartlett, Benjamin, Besançon, Beard, Brother, Boyer, Bullard, Campbell, Conrad, Dorsey, Dosson, Douglass, Dugué, Gardère, Guion, Hodges, Hunt, Isaacks, Jennings, Jordan, King, de Jackson, Leeds, McIlhenny, Mathews, d'Orléans, Mathews, de la Pointe Coupée, Martin, Mather, Pierce, Phillips, Reeves, Richardson, de O. M. W. et J., Sandidge, Swazey, Shaw, Scarborough, Shelton, Sibley, Simms, Tatman, Todd, VanWickle, Williams et Wittington, — 50 délégués votent pour M. Charles Lemaitre, et

MM. Bernard, Bienvenu, Byrne, Collens, Connely, Dalférès, Duffel, Edwards, d'Orléans, Hébert, Key, Lapeyre, Leblanc, Marrero, Parham, Preaux, Price, Pujo, Pugh, Roman, Roysden, Ronquillo, St-Paul et Thibodeaux, — 23 délégués votent pour M. L. Exnicios.

Et MM. Armant, Buisson, Bernard, Castellanos, Dufour, Eggleston, Eustis, Hayes, Hernandez, Leefe, Olivier, de Ste-Marie, Rixner, Risk, Roselius, Robertson, Staës et Villeré, — 17 délégués, votent pour M. D. Veau.

Et MM. Carter, Declouet, Hargis, King, de St-Landry, Moss, Monge, Nicholls, Olivier, de Ste-Marie, Palfrey, Paxton, Richardson, de Sainte-Marie, Smith d'O. Féliciana, Taliafero et Wilcoxon, — 14 délégués, votent pour M. Antoine Toulouse.

Et Messieurs Addison, Davidson, Delony, Edwards, de Washington, Farmer, Hatch, Harris, Jones, McMillen, Smart, Smith, de Winn, et Thompson, — 12 délégués, votent pour M. R. C. Self.

Et MM. Lobdell, Lyle, Stewart, Talbot, — 4 délégués, votent pour M. J. A. Hébert.

Aucun des candidats n'ayant reçu la majorité requise, la Convention procède à un second balottage.

M. Thompson, annonce à la Convention que M. C. Self n'est plus candidat.

M. Herron annonce à la Convention que M. R. Lesage n'est plus candidat.



Et M. Lobdell annonce que M. Hébert n'est plus candidat.

Le secrétaire fait l'appel nominal et l'honorable D. F. Kenner, président,

MM. F. C. Anderson, Akenhead, Avery, Robt Anderson, Armant, Bradford, Barlett, Benjamin, Bernard, Beard, Brother, Boyer, Bullard, Buisson, Carter, Campbell, Cotton, Conrad, Davidson, Delony, Declouet, Dorsey, Dosson, Douglass, Dugué, Duffel, Gardère, Guion, Hayes, Harris, Hargis, Herron, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, Jno E. King, P. G. King, Leeds, Lobdell, Lyle, McIlhenny, McMillen, L. Mathews, J. L. Mathews, Martin, Mather, Patterson, Pierce, Phillipps, Reeves, R. W. Richardson, Rixner, Roselius, Roman, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Ralph Smith, Sibley, Simms, Tatman, Todd, Van Wickle, Williams et Wittington.

73 délégués votent pour M. Charles Lemaitre.

MM. Beale, Bienvenu, Boudousquié, Byrne, Connely, Dalferes, M. C. Edwards, N. S. Edwards, Hebert, Jones, Lapeyre, Marrero, Parham, Palfrey, Preaux, Pujo, Pugh, Roysden, Ronquillo, St-Paul, Stewart, Talbot, Thibodeaux et Thompson.

24 délégués votent pour Louis Exnicios.

MM. Farmer, Moss, Nicholls, C. M. Olivier, Paxton, D. D. Richardson, P. C. Smith, Taliaferro et Wilcoxon.

9 délégués votent pour Antoine Toulouse.

Et messieurs Andrews, Castellanos, Collens, Dufour, Eggleston, Eustis, Hernandez, Leefe, Le Blanc, Monge, J. G. Olivier, Price, Risk, Robinson, Staës et Villeré.

16 délégués votent pour D. Veau.

M. Charles Lemaître, ayant reçu la majorité de voix requise, est déclaré duement élu portier de la Convention.

M. Phillips propose de procéder à l'élection de trois traducteurs.

M. Collens fait la motion d'amender cette motion par l'élection d'un traducteur.

Pendant que la Convention s'occupe des dites motions, M. Jennings présente la résolution suivante comme substitut :

Résolu qu'un comité composé de——membres soit nommé pour déterminer quels autres officiers les besoins de la Convention pourraient nécessiter en outre de ceux qui ont déjà été élus et pour fixer le salaire des divers officiers de la Convention.

Sur motion, le blanc de la résolution sus-dite est rempli par le nombre "cinq," et, sur une motion subséquente, la résolution est adoptée.

Le président nomme messieurs Jennings, Herron, Collens, Guion et Farmer membres de ce comité.

Sur la motion de M. Jones, la Convention suspend ses délibérations pendant cinq minutes afin de donner à ce comité le temps de faire son rapport.

M. Jennings de la part du comité susdit présente le rapport suivant :

Le comité auquel a été référée la résolution relative au nombre d'officiers qu'emploierait la

Convention et au salaire de tous les officiers de la Convention recommande la nomination d'un rapporteur, d'un traducteur, et de trois commis aux enregistrements.

Le comité recommande les salaires suivants basés sur les salaires que la Convention de 1845 accordait à ses officiers, savoir :

Au secrétaire, quatorze piastres par jour ;

Au secrétaire-adjoint, dix piastres par jour.

Au rapporteur, dix piastres par jour ;

Au traducteur, huit piastres par jour ;

Aux commis aux enregistrements, six piastres par jour ;

Au portier et au sergent d'armes, six piastres par jour ;

Quant au salaire de l'imprimeur de la Convention, le comité vous prie de lui accorder du temps pour faire son rapport.

(Signé) N. R. JENNINGS, rapporteur.

M. Gardère fait la motion d'effacer du rapport ci-dessus les mots "un traducteur, trois commis aux enregistrements et un rapporteur," et d'y substituer "deux traducteurs et quatre commis aux enregistrements."

Cette motion prévaut.

M. Phillips propose d'insérer : "deux rapporteurs, dont l'un fera ses rapports en anglais et l'autre en français."

Cette motion est rejetée.

M. Connely fait la motion d'effacer quatorze piastres, pour le secrétaire, et d'y substituer douze piastres. Cette motion ne prévaut pas.

Le même délégué fait la motion de fixer les salaires des officiers et des commis de la Convention d'après l'acte intitulé : "Acte pour diminuer le salaire des divers officiers de l'Etat et fixer le fonds contingent attaché à leurs bureaux respectifs." La dite motion est rejetée.

Sur motion, le rapport est adopté avec les amendements.

Sur motion, la Convention procède à l'élection de deux traducteurs.

M. Preaux nomme M. Wm Andry comme candidat pour une de ces places ; M. Staës nomme M. J. C. Laville ; M. Declouet nomme M. F. Fuselier ; M. Buisson nomme M. A. Pédesclaux ; M. Scarborough nomme M. A. Sheppers ; M. Lobdell nomme M. E. Lanoue.

On fait l'appel nominal et les délégués suivants votent pour M. Fuselier :

L'hon. D. F. Kenner, président, messieurs Anderson de St-Landry, Akenhead, Avery, Anderson de Carroll, Addison, Bradford, Bartlett, Beale, Beard, Boyer, Bullard, Campbell, Davidson, Declouet, Douglass, Edwards d'Orléans, Hodges, Isaacks, Key, King de St-Landry, Le Blanc, Moss, Monge, Nicholls, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Paxton, Pujo, Pugh, Reeves, Richardson de Ouachita, Richardson de Ste-Marie, Rixner, Roman, Swazey, Smith de Winn, Sibley, Tatman, Todd, Villeré, Wittington et Wilcoxon, 44 voix.

Messieurs Avery, Anderson de Carroll, Addison, Besançon, Bernard, Beale, Bienvenu, Beard, Boyer, Carter, Cotton, Connely, Conrad, Delony, Declouet, Dorsey, Dosson, Eustis, Far-



ner, Guion, Hatch, Hargis, Herron, Hébert, Hunt, Isaacks, Jordan, Jones, Key, King de St-Landry, King de Jackson, Leefe, Leeds, Le Blanc, Lobdell, Lyle, Mather, Moss, Monge, Nicholls, Olivier de St-Martin, Parham, Paxton, Patterson, Price, Philips, Reeves, Richardson du Ouachita, Richardson de Ste-Marie, Smart, Shaw, Scarborough, Shelton, Smith de O. Féliciana, Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Todd, Thompson, Williams, Wittington et Wilcoxon.

64 délégués votent pour M. A. Sheppers.

Et messieurs Andrews, Armant, Bradford, Benjamin, Bienvenu, Boudousquié, Buisson, Byrne, Castellanos, Collens, Dalferes, Dufour, Dugué, Eustis, Eggleston, Gardère, Harris, Herron, Hernandez, Hunt, Jennings, King de Jackson, Lapeyre, Leefe, McIlhenny, McMillen, Marrero, Martin, Parham, Preaux, Price, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, St-Paul, Staës, Villeré et Thibodeaux.

42 délégués votent pour M. Andry.

Et messieurs Armant, Bartlett, Bernard, Brother, Bullard, Buisson, Campbell, Dosson, Dufour, Edwards de Washington, Farmer, Gardère, Harris, Hough, Jones, Lapeyre, Mathews d'Orléans, Mathews de la Pointe-Coupée, Marrero, Preaux, Pierce, Pujo, Roselius, Ronquillo, Sandidge, St Paul, Smart, Simms, Taliafero, Thompson et Van Wickle.

30 délégués votent pour M. Pedesclaux.

L'hon. D. F. Kenner, Président, et messieurs Anderson de St-Landry, Akenhead, Andrews, Brother, Carter, Conrad, Dalferes, Davidson, Delony, Dorsey, Douglas, Duffel, Edwards de Washington, Hatch, Hayes, Hargis, Hough, Hodges, Lobdell, Lyle, McMillen, Mathews d'Orléans, Mathews de la Pte Coupée, Martin, Mather, Palfrey, Patterson, Pierce, Phillips, Sandidge, Swazey, Shaw, Scarborough, Shelton, Smith d'O. Féliciana, Stewart, Tatman, Talbot, et Van Wickle.

40 délégués votent pour M. Lanoue.

Et messieurs Benjamin, Besançon, Boudousquié, Byrne, Castellanos, Cotton, Connely, Dugué, Duffel, Edwards d'Orléans, Eggleston, Guion, Hayes, Hébert, Hernandez, Jennings, Jourdan, Leeds, McIlhenny, Olivier de Ste-Marie, Price, Risk, Roysden, Robinson, Staës, Thibodeaux et Williams.

28 délégués votent pour M. Laville.

M. Sheppers ayant reçu une majorité des voix est proclamé duement élu.

Sur motion, la Convention procède à un second ballottage.

M. St-Paul annonce à la Convention que M. H. Pedesclaux n'est plus candidat.

Le secrétaire fait l'appel nominal et

M. D. F. Kenner, président, et

Messieurs Anderson de St-Landry, Akenhead, Avery, Anderson de Carroll, Armant, Addison, Bartlett, Bernard, Beale, Beard, Brother, Boyer, Bullard, Buisson, Campbell, Davidson, Declouet, Douglass, Edwards d'Orléans, Guion, Isaacks, Jones, Key, King de St-Landry, Le

Blanc, Moss, Mongé, Nicholls, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Paxton, Pujo, Pugh, Reeves, Richardson de Ouachita, Richardson de Sainte-Marie, Rixner, Smart, Swazey, Smith de Winn, Tatman, Thibodeaux, Todd, Williams et Wilcoxon.

48 délégués votent pour M. Fuselier.

Et messieurs Andrews, Bradford, Benjamin, Bienvenu, Boudousquié, Byrne, Collens, Dalferes, Dufour, Eustis, Gardère, Hunt, Jennings, Lapeyre, Leefe, McIlhenny, Marrero, Martin, Parham, Preaux, Price, Risk, Roysden, St Paul, Taliafero et Villeré, 26 délégués votent pour M. Wm Andry.

Et Messieurs Carter, Conrad, Deloney, Dorsey, Dosson, Duffel, Edwards, de O. ; Hatch, Hayes, Harris, Hargis, Herron, Hough, Hodges, King, de Jackson ; Lobdell, Lyle, McMillen, Matthews, d'Orléans ; Matthews, de Pointe-Coupée ; Mather, Patterson, Pierce, Phillips, Sandidge, Shaw, Scarborough, Shelton, Smith, d'Ouest-Feliciano ; Sibley, Simms, Stewart, Talbot, Thompson, Van Wickle et Whittington, 36 délégués votent pour M. Lanoue.

Et messieurs Besançon, Castellanos, Cotton, Connely, Eggleston, Hébert, Jourdan, Leeds et Staës, 9 délégués votent pour M. Laville.

Aucun des candidats n'ayant reçu la majorité requise, sur motion la Convention procède à un troisième ballottage.

A l'appel nominal messieurs Kenner, de Président ; Anderson, de St Landry ; Akenhead, Avery, Anderson, de Carroll ; Armant, Bartlett, Bernard, Beard, Boudousquié, Boyer, Bullard, Buisson, Campbell, Connely, Davidson, Declouet, Dosson, Douglass, Edwards, d'Oua. ; Farmer, Guion, Hatch, Harris, Hargis, Isaacks, Key, King, de St Landry ; Le Blanc, Martin, Moss, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Palfrey, Paxton, Pierce, Pujo, Pugh, Reeves, Richardson, de Ouachita ; Richardson, de Ste Marie ; Rixner, Roselius, Roman, Sandidge. Smart, Swazey, Smith, de Winn ; Tatman, Thibodeaux, Thompson, Todd, Williams et Wilcoxon, 51 délégués votent pour M. Fuselier.

Et messieurs Andrews, Addison, Benjamin, Bradford, Besançon, Beale, Bienvenu, Byrne, Castellanos, Collens, Cotton, Dalferes, Dufour, Dugué, Eggleston, Eustis, Gardère, Hayes, Hernandez, Hunt, Jennings, Jourdan, Lapeyre, Leefe, Leeds, McIlhenny, Marrero, Parham, Preaux, Price, Risk, Roysden, Ronquillo, Robinson, St Paul, Staës, Scarborough, Shelton, Taliafero et Villeré, 40 délégués votent pour M. Andry.

Et messieurs Brother, Carter, Conrad, Deloney, Dorsey, Duffel, Edwards de W. ; Hébert, Hough, Hodges, Jones, King, de J. ; Lobdell, Lyle, McMillen, Matthews, de O. ; Matthews, de P. C. ; Mather, Patterson, Phillips, Shaw, Smith, d'O. F. ; Sibley, Simms, Stewart, Talbot, Van Wickle et Whittington, 28 délégués votent pour M. Lanoue.

Aucun des candidats n'ayant reçu la majorité



requis, sur motion, la Convention procède à un quatrième ballottage.

M. Dorsey annonce à la Convention que M. Lanoue n'est plus candidat.

A l'appel nominal, messieurs D. F. Kenner, Pres. T.C. Anderson, Akenhead, Avery, Robt Anderson, Armant, Addison, Bartlett, Bernard, Beale, Beard, Boudousquié, Boyer, Bullard, Buisson, Carter, Campbell, Connelly, Conrad, Davidson, Deloney, Declouet, Dosson, Douglass, Duffel, N. S. Edwards, Farmer, Guion, Hatch, Hargis, Hébert, Hough, Hodges, Isaacks, Jones, Key, John E. King, Le Blanc, Lobdell, Lyle, J. L. Matthews Mather, Moss, Monge, Nicholls, C. M. Olivier, J. G. Olivier, Palfrey, Paxton, Pujo, Pugh, Reeves, R. W. Richardson, D. D. Richardson, Rixner, Roman, Sandidge, Smart, Swazey, P. C. Smith, Ralph Smith, Sibley, Simms, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Todd, Van Wickle, Williams, Whittington et Wilcoxon, 73 délégués votent pour monsieur Fuselier.

Et messieurs Andrews, Bradford, Benjamin, Besançon, Bienvenu, Brother, Byrne, Castellanos, Collens, Cotton, Dalferes, Dorsey, Dufour, Dugué, Eggleston, Eustis, Gardère, Hayes, Harris, Herron, Hernandez, Hunt, Jennings, Jourdan, P. G. King, Lapeyre, Leefe, Leeds, McIlhennys, McMillen, L. Matthews, Marrero, Martin, Parham, Preaux, Price, Pierce, Phillips, Risk, Roselius, Roysden, Ronquillo, Robinson, St Paul, Staës, Shaw, Scarborough, Shelton, Taliafero et Villeré, 50 délégués votent pour monsieur Andry.

M. Fuselier, ayant reçu la majorité requise, est proclamé dûment élu traducteur de la Convention.

Sur motion, la Convention procède à l'élection de quatre commis aux enrégistrement.

Les personnes suivantes sont nommées comme candidats :

Messieurs Briant, Andry, Boulogny, Bullard, Castera, Cooley, Chalon, Devall, Duplessis, Davis, Eastin, Houghton, Hernandez, Holland, Le Blanc, Lobdell, L'hoste, Levison, Nibbling, Oemichen, Parker, Roberts, Walker, Warner, Wederstrandt, Weysham, Stannard, Scott, Stuart, Osborne, Moore.

M. Benjamin propose d'effacer à chaque ballot de la liste des candidats les six candidats qui recevront le moins de voix. Cette motion prévaut.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil, et 122 délégués répondent à leurs noms.

Le secrétaire fait l'appel nominal, et

Messieurs Briant reçoit 18 voix ; Andry, 4 ; Boulogny, 5 ; Bullard, 47 ; Castera, 20 ; Cooley, 16 ; Chalon, 2 ; Devall, 4 ; Duplessis, 37 ; Davis, 15 ; Eastin, 30 ; Houghton, 18 ; Hernandez, 39 ; Holland, 2 ; Le Blanc, 30 ; Lobdell, 8 ; L'hoste, 3 ; Levison, 22 ; Nibbling, 2 ; Oemichen, 3 ; Parker, 10 ; Roberts, 17 ; Walker, 33 ; Warner, 20 ; Wederstrandt, 19 ; Weysham, 17 ; Stannard, 4 ; Scott, 22 ; Stuart, 14 ; Osborne, 3 ; Moore, 8.

Aucun des candidats n'ayant reçu la majorité requise, la Convention procède à un second ballottage.

L'Hon. D. F. Kenner, président de la Convention, et 123 délégués répondent à l'appel.

Messieurs Andry reçoit 1 voix ; Briant, 26 ; Bullard, 52 ; Castera, 30 ; Cooley, 11 ; Duplessis, 52 ; Davis, 16 ; Eastin, 36 ; Houghton, 14 ; Hernandez, 49 ; Le Blanc, 33 ; Lobdell, 10 ; Levison, 23 ; Roberts, 17 ; Scott, 27 ; Stuart, 12 ; Walker, 31 ; Warner, 20 ; Wederstrandt, 25.

Aucun des candidats n'ayant reçu la majorité requise, la Convention procède à un troisième ballottage.

L'Hon. D. F. Kenner, président de la Convention, et 122 délégués sont présents.

Le secrétaire fait l'appel nominal, et

Messieurs Bullard reçoit 77 voix ; Briant, 33 ; Castera, 23 ; Duplessis, 59 ; Eastin, 53 ; Hernandez, 56 ; Le Blanc, 35 ; Levison, 29 ; Roberts, 24 ; Walker, 44 ; Warner, 18 ; Wederstrandt, 30 ; Stuart, 5 ; Cooley, 1.

M. Bullard, ayant reçu la majorité requise, est proclamé dûment élu comme un des commis aux enrégistrement de la Convention.

Sur motion, la Convention procède à un quatrième ballottage.

L'Hon. D. F. Kenner, président de la Convention, et 24 délégués sont présents.

Le secrétaire fait l'appel nominal, et

Messieurs Briant reçoit 45 voix ; Duplessis, 88 ; Eastin, 64 ; Hernandez, 68 ; Le Blanc, 38 ; Walker, 67.

Messieurs Duplessis, Hernandez et Walker, ayant reçu la majorité requise, sont déclarés dûment élus commis aux enrégistrement de la Convention.

Sur motion, la Convention s'ajourne à demain matin à 9 heures.

MERCREDI, 7 juillet 1852.

La Convention se réunit conformément à l'ajournement.

Présents : Hon. D. F. Kenner et 121 délégués.

Sur motion de M. Olivier de Ste Marie, congé est accordé à M. Wilcoxon, délégué de la paroisse Vermillion, pour cause de maladie.

Le Président soumet à la Convention une communication de G. W. Christine et autres, de la part des démocrates d'Est Baton Rouge, invitant les membres de la Convention à une assemblée devant avoir lieu dans la ville de Baton Rouge, le 8 courant.

Sur motion, la dite invitation est acceptée.

M. Phillips présente la résolution suivante, laquelle ayant été lue est adoptée :

Résolu, Que le Sergent-d'armes est requis de souscrire à dix journaux quotidiens, à l'usage des membres de la Convention ; les journaux devant être choisis par les membres.

M. Herron a présenté la résolution suivante qui a été lue et adoptée.



Résolu, que le comité de dépenses casuelles est autorisé à déposer la somme de cinq cents piastres entre les mains du Maître de poste, à l'effet d'affranchir les lettres et journaux adressés à, ou envoyés par, les membres de la Convention.

M. Sandidge, au nom du comité spécial nommé à l'effet d'examiner les règlements qui avaient été adoptés par la Chambre des Représentans de l'Etat de la Louisiane, et de faire un rapport de ceux de ces règlements qu'ils croient les mieux adaptés pour gouverner les débats de cette Convention — soumet le rapport suivant :

#### RÈGLEMENTS DE LA CONVENTION.

##### *Des Devoirs et des Droits du Président.*

1. Il prendra le fauteuil, chaque jour, à l'heure fixée par l'ajournement de la veille, et appellera immédiatement les membres à l'ordre. S'il y a un quorum présent, il fera lire le journal du jour précédent.

2. Il maintiendra l'ordre et le décorum; il parlera, de préférence aux membres, sur les questions d'ordre, en se levant de son siège dans ce but; il décidera les questions d'ordre, sujet à un appel de la Convention, fait par deux membres quelconques, à propos duquel appel nul membre ne parlera plus d'une fois, à moins de permission de la Convention.

3. Il se lèvera pour poser une question, mais il pourra l'expliquer étant assis.

4. Les questions seront distinctement posées dans cette forme, à savoir : "Que tous ceux qui sont d'opinion que ( la question sera expliquée ici ) disent OUI ;" et, après que le vote affirmatif sera connu : — " Que tous ceux qui sont d'une d'opinion contraire disent NON." Si le Président est dans le doute, ou si l'on demande une division, la Convention se divisera : ceux qui seront pour la question se lèveront de leurs sièges, puis ceux de l'opinion contraire. Le Président se lèvera alors et fera connaître la décision de la Convention.

5. Le Président aura le droit d'examiner et de corriger le journal avant qu'il ne soit lu. Il aura la surveillance générale de la salle. Il aura le droit de nommer un membre quelconque pour remplir les devoirs de Président, mais cette substitution ne durera pas au-delà d'un ajournement.

6. Dans tous les cas d'élection par la Convention, le Président votera ; dans les autres cas, il ne votera pas, à moins que la Convention ne soit également divisée, ou à moins que son vote, s'il le donne à la minorité, amène une division égale, dans lequel cas, la question sera perdue.

7. Tous les comités seront nommés par le Président, à moins que la Convention n'en ordonne autrement, dans lequel cas ils seront élus par un vote de vive voix, et si, après ce vote, le membre requis n'est pas élu par une majorité des votes donnés, la Convention procédera à un second vote, où la pluralité des voix prévaudra ; et dans le cas où un nombre plus considérable que celui qui est requis aurait une égalité de voix, la

Convention procédera à un autre ou à d'autres votes.

8. Tous les writs, mandats et subpoenas, émis par ordre de la Convention, seront signés par le Président et attestés par le secrétaire.

9. En cas de bruit ou de désordre dans la galerie ou sous le portique, le Président aura le droit de le faire cesser.

##### *Règlements relatifs aux Débats et au Décorum.*

10. Quand un membre se disposera à parler, pendant les débats, ou à présenter quelque chose à la Convention, il se lèvera de son siège et s'adressera respectueusement à M. le Président.

11. Si un membre quelconque, en parlant, ou autrement, viole les règlements de la Convention, le Président devra, et tout membre pourra, l'appeler à l'ordre, dans lequel cas, le membre ainsi appelé à l'ordre s'assoiera immédiatement, à moins qu'il ne lui soit permis de s'expliquer, et la Convention devra, si elle est appelée à le faire, décider ce cas, mais sans débats. Si la décision est en faveur du membre appelé à l'ordre, il pourra procéder ; si la décision lui est contraire et que le cas le requiert, il pourra être censuré par la Convention.

12. Quand deux ou plusieurs membres se lèveront en même temps, le Président nommera celui qui aura le premier droit à la parole.

13. Aucun membre ne parlera plus de deux fois sur la même question, et plus d'une heure, à chaque fois, sans permission de la Convention, ni plus d'une fois avant que tous les membres qui désireront parler se soient fait entendre. Mais l'auteur de toute proposition aura le droit d'ouvrir et de clore les débats, et dans le cas où la proposition viendrait d'un comité quelconque, alors le membre qui aura présenté le rapport du comité aura le droit d'ouvrir et de clore les débats de la même manière.

14. Tandis qu'on procédera à l'appel nominal, ou qu'on comptera les votes, nul membre ne visitera le bureau du secrétaire.

15. Nul membre ne votera sur une question, s'il était hors de la salle de la Convention au moment où la question a été posée. Et quand un membre quelconque demandera à voter, le Président lui posera cette question : "Etiez-vous dans la salle quand votre nom a été appelé?"

16. Sur une division, ou quand les membres de la Convention seront comptés, nul membre hors de la salle ne sera compté.

17. Tout membre qui sera dans la salle de la Convention, au moment où une question sera posée, donnera son vote, à moins que la Convention, pour des raisons spécifiées, ne l'excuse. Nul membre n'aura le droit d'expliquer son vote au moment de le donner, ou ne pourra demander à être excusé de ne pas voter, après que le secrétaire, sous les règlements de la Convention, aura commencé l'appel nominal.

18. Quand une motion sera faite et secondée, elle sera expliquée par le Président, ou si elle est écrite, elle sera envoyée au Président et lue



à haute voix par le secrétaire, avant d'être débattue.

19. Toute motion sera mise par écrit, si le Président ou tout autre membre le désire.

20. Nulle personne ne sera admise dans la salle, excepté les officiers du gouvernement général ou de l'Etat, et telles autres personnes que le Président ou les membres pourront juger convenable d'inviter.

21. Après qu'une motion aura été expliquée par le Président, ou lue par le secrétaire, elle sera regardée comme étant en possession de la Convention; mais elle pourra être retirée par l'auteur, avec le consentement du membre qui aura secondé sa proposition.

22. Pendant les débats provoqués par une question, aucune motion ne pourra être faite, si ce n'est: 1o. pour l'ajournement; 2o. pour le dépôt sur le bureau; 3o. pour la question préalable; 4o. pour le renvoi à un jour certain; 5o. pour le renvoi à un comité; 6o. pour offrir un amendement; ou 7o. pour le renvoi indéfini; et ces motions seront admises de préférence dans l'ordre dans lequel elles sont énumérées; et aucune motion à l'effet d'ajourner une question à un jour certain, de la renvoyer à un comité, ou de l'ajourner indéfiniment, une fois décidée, ne sera de nouveau permise le même jour pendant que les procédures seront relatives au même sujet.

23. La question préalable sera posée de cette manière: "La question principale sera-t-elle posée maintenant?" Elle ne sera admise que quand elle sera soutenue par une majorité des membres présents, et si elle est emportée, elle mettra un terme à tous débats et amènera la Convention à un vote direct, 1o. sur l'amendement en considération et ainsi, en reculant, jusqu'au premier amendement offert; 2o. sur les amendements rapportés par un comité, s'il y en a; et 3o. sur la question principale.

Sur une motion, au sujet de la question préalable, et avant qu'elle ne soit secondée, l'appel de la Convention sera à l'ordre; mais après qu'une majorité aura soutenu une telle motion, aucun appel ne sera à l'ordre avant la décision de la question principale. Une motion pour la question préalable ne motivera aucun débat.

Toute question d'ordre imprévue qui s'élèverait après que motion est faite pour obtenir la question préalable, et en même temps que ladite motion, sera décidée soit sur appel ou autrement, sans débats. Après que la demande de la question préalable aura été soutenue par la Convention, la question sera posée et déterminée dans l'ordre ci-dessus décrit, sans débats soit sur les amendements ou sur la question principale.

24. Tout membre peut demander une division de la question, quand celle-ci sera de nature à le permettre.

25. Nulle nouvelle motion ou proposition, sur un sujet différent que celui qui sera sous considération, ne sera admise sous prétexte d'un amendement, ou comme substitut à la motion ou à la proposition sous considération.

26. Quand une motion a déjà été faite et décidée dans l'affirmative ou la négative, il sera permis à tout membre de la majorité d'en demander la reconsidération; ou quand la Convention est également divisée sur une question quelconque, tout membre peut demander une reconsidération; pourvu que, dans chacun de ces cas, elle soit demandée le même jour ou pendant le jour où aura lieu la séance suivante.

27. Quand la lecture d'un document est demandée, et qu'un membre y objecte, la Convention décidera si ce document sera lu ou non.

28. Si la question pendante n'est pas décidée, par suite d'un ajournement de la Convention, et est admise le jour suivant, nul membre qui aura parlé deux fois le jour précédent n'aura droit de nouveau à la parole, sans une permission.

29. Quand des motions seront faites pour référer une question à un comité spécial ou permanent, la question au sujet de la référence au comité permanent sera d'abord posée.

#### *Ordre des procédures du jour.*

30. Aussitôt que le journal est lu et les noms des membres appelés, le Président demandera s'il y a des pétitions, des mémoires, ou des résolutions à présenter. Les pétitions, mémoires et résolutions ayant été présentés, et disposition en ayant été faite, on appellera d'abord les rapports des comités permanents, puis ceux des comités spéciaux; après quoi, le Président disposera des communications sur son bureau, et appellera l'ordre du jour.

31. Les affaires non-terminées auxquelles la Convention était occupée au moment du dernier ajournement, auront la préférence dans l'ordre du jour, et nulle motion ou autre affaire n'aura la préférence dans l'ordre du jour: et nulle motion, ou autre affaire, ne sera admise sans une permission spéciale de la Convention, jusqu'à ce que la première ne soit décidée. L'ordre du jour sera comme suit:

1. Les affaires non-terminées que considérait la Convention au moment de son dernier ajournement.

2. Ordres spéciaux du jour, s'il y en a.

32. Les pétitions, mémoires et autres documents adressés à la Convention seront présentés par le Président, ou par tout membre de sa place; une courte explication du contenu du document sera faite verbalement par le membre qui l'aura présenté. Ces documents ne seront pas débattus ou pris en considération le jour de leur première lecture, à moins que la Convention n'en décide autrement, mais resteront sur le bureau pour être pris en considération dans l'ordre dans lequel ils auront été lus.

33. Quand on procèdera à l'appel de la Convention, ou à l'appel nominal sur une question quelconque, les noms des membres seront appelés alphabétiquement.

34. Toutes questions relatives à la priorité des affaires, seront décidées sans débats.

35. Nul membre ne s'absentera de la Convention, à moins qu'il n'ait un congé ou qu'il soit malade.



36. Nul comité ne siègera pendant les séances de la Convention, à moins d'une permission préalablement accordée.

37. Aucun règlement ou ordre permanent de la Convention ne sera abrogé, sans un jour d'avis préalable, ou à moins du consentement des trois-quarts des membres présents.

38. Les procédures de la Convention seront entrées sur le journal, aussi correctement que possible, en prenant le soin de donner un procès-verbal correct et véridique des délibérations.

39. Chaque vote de la Convention sera entré sur le journal, avec un état correct de la question, et une courte explication du contenu de chaque communication ou document présenté à la Convention, sera également insérée sur le journal.

40. Dans le cas où un commis, le sergent d'armes ou le portier de la Convention manqueraient à leurs devoirs, le secrétaire le fera savoir sans délai à la Convention.

41. Il sera du devoir de l'assistant secrétaire de la Convention d'écrire de sa propre main la partie anglaise du journal de cette Convention; et le secrétaire surveillera avec attention le journal dans les deux langues.

42. Le secrétaire lira chaque jour le journal des pages sur lesquelles le procès-verbal est écrit; et après avoir été ainsi lu et corrigé, et pas avant, le dit procès-verbal sera enregistré dans un livre, et s'il est nécessaire, corrigé et amendé sous la sanction de la Convention, et des copies, dans les deux langues, seront fournies à l'imprimeur, certifiées par la signature du secrétaire, à 10 heures, le jour suivant celui où il aura été lu.

43. Le secrétaire se considérera responsable envers la Convention pour la correction du journal dans les deux langues, et les commis se considéreront comme subordonnés à lui, et sous son contrôle et sa direction; et il sera de leur devoir de se tenir dans la chambre des commis, depuis neuf heures du matin jusqu'à l'heure de l'ajournement, et depuis quatre heures P. M., jusqu'à ce que le secrétaire les renvoie; lequel secrétaire soumettra chaque matin au président les noms des commis, avec une note vis-à-vis de chaque, indiquant qu'il était présent ou absent (ainsi que le cas pourra être) le jour précédent.

44. Le sergent d'armes gardera son emploi durant le plaisir de la Convention, et il sera de son devoir d'être présent pendant les séances, afin d'exécuter les ordres de la Convention, de temps à autre, ainsi que tous autres ordres émis par cette autorité, qui lui seront adressés par le président.

45. Le portier gardera son emploi durant le plaisir de la Convention, et il sera de son devoir de garder la porte de la galerie, de maintenir la salle en ordre, et de remplir tels autres devoirs que les membres pourront requérir.

46. Quant aux questions d'ordre ou de coutumes parlementaires, au sujet desquelles ces règlements sont inexplicites, on regardera comme autorité le Manuel de Jefferson.

47. Nulle compensation extraordinaire ne sera accordée aux commis ou autres officiers de la Convention.

L'article 13 ayant été lu, M. Bienvenu a fait la motion d'effacer "une heure" et d'y insérer les mots "une demi heure", la motion a prévalu, et sur motion de M. Hunt,

Le rapport a été adopté ainsi amendé.

M. Bienvenu a présenté la résolution suivante, laquelle ayant été lue, a, sur motion, été adoptée :

Resolu, Que les réglemens seront imprimés dans les deux langues, et que 150 exemplaires seront imprimés dans chaque langue.

M. Roman a présenté la résolution suivante :

Resolu, Que la Convention procédera chaque jour à prendre en considération la Constitution actuelle, article par article, afin d'agir sur les propositions qui pourront être faites pour l'amender ou la changer.

Chaque article, après avoir été passé par la Convention, sera référé à un comité permanent de 5 membres, dont le devoir sera de réviser ledit article et d'en faire un rapport à la Convention le plus tôt possible, pour lui faire subir une seconde lecture, après laquelle les amendemens verbaux seuls seront admis.

Après sa seconde lecture, la Constitution sera imprimée et distribuée aux membres, et sera lue une troisième fois, article par article; pendant laquelle lecture aucun amendement ne sera adopté sans une majorité des membres élus à la Convention, ou par un plus grand nombre de voix que celui qui aurait été donné en faveur de l'article, à sa première lecture.

M. Preaux a présenté l'amendement suivant à la susdite résolution :

Resolu, Qu'au lieu d'un comité, trois comités seront nommés, un sur l'Exécutif, un sur le Judiciaire, un sur le Législatif — et chaque article ainsi lu, sera référé aux comités respectifs.

M. Herron a présenté le substitut suivant :

Resolu, Que les comités suivants seront nommés par le président de la Convention, dont les devoirs seront de prendre en considération les articles qui se rapportent aux sujets indiqués par leurs noms :

1o. Un comité sur la Division des Pouvoirs, composé de — membres.

2o. Un comité sur le Pouvoir Législatif, composé de — membres.

3o. Un comité sur le Pouvoir Exécutif, composé de — membres.

4o. Un comité sur le Pouvoir Judiciaire, composé de — membres.

5o. Un comité sur les Poursuites par voie d'Impeachment, composé de — membres.

6o. Un comité sur les Dispositions Générales de la Constitution, composé de — membres.

7o. Un comité sur les Amendemens à la Constitution, composé de — membres.

8o. Un comité sur les Dispositions Transitoires, composé de — membres.

9o. Un comité sur la Franchise Electorale, composé de — membres.



100. Un comité sur l'Instruction publique, composé de—membres.

M. Cotton a fait la motion de déposer le substitut sur le bureau, sur laquelle motion,

M. Guion demande l'appel nominal qui constate que :

Messieurs Anderson de St. Landry, A. Akenhead, Avery, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquié, Boyer, Buisson, Byrne, Carter, Collens, Cotton, Conrad, Declouet, Dorsey, Dufour, Dugué, Duffell, Edwards de Washington, Farmer, Gardère Guion, Harris, Hargis, Hernandez, Hough, Jennings, Jones, Key, Lapeyre, Leefe, Lyle, Mathews de la paroisse d'Orléans, Pierson, Phillips, Pujó, Pugh, Reeves, Richardson de Ouachita, Morehouse, etc., Risk, Roysden, Ronquillo, Robinson, St. Paul, Staës, Scarborough, Shelton, Smith, Smith, Sibley, Stewart, Talbot, Taliaferro, Thibodeaux, Todd, Van Wickle, Villere, Waddill, Wittington,—56 membres ont voté affirmativement :

Et que messieurs Anderson de Carroll, Andrews, Besançon, Beale, Beard, Bienvenu, Bullard, Castellanos, Connely, Dalferes, Davidson, Delony, Dosson, Douglas, Edwards de la paroisse d'Orléans, Eggleston, Eustis, Hatch, Hayes, Herron, Hebert, Hodges, Hunt, Isaacks, Jourdan, King de St. Landry, King de Jackson, Leeds, LeBlanc, Lobdell, McIlhenny, McMillen, Mathews de la Pointe Coupée, Marrero, Moss, Parham, Paxton, Price, Martin, Monge, Nicholls, Olivier de Ste. Marie, Palfrey, Patterson, Pierce, Richardson de Ste. Marie, Rixner, Roselius, Roman, Sandidge, Smart, Swazey, Shaw, Simms, Tatman, Thompson et Williams—65 délégués ont voté négativement.

En conséquence ladite motion a été perdue.

M. Todd a fait la motion qu'un comité de 5 soit nommé pour prendre en considération le meilleur plan à poursuivre par cette Convention, et d'en faire un rapport d'ici à demain matin.

Laquelle motion a été perdue.

Pendant la discussion au sujet dudit substitut, le Président soumet à la Convention une communication de l'Hon. A. Snyder, délégué représentant de la paroisse de Madison, présentant sa résignation comme membre de la Convention.

M. Moss soumet à la Convention une lettre de l'Hon. E. Lauve, délégué représentant de la paroisse de Lafayette, offrant sa démission comme membre de la Convention.

Sur motion de M. Guion, les susdites résignations ont été acceptées.

M. Phillips a présenté la résolution suivante qui, sur motion, a été adoptée :

Résolu, qu'un comité de 5 membres sera nommé par le Président, avec avis de soumettre à la Convention, le plus tôt possible, le plan nécessaire à suivre pour remplacer les délégués dont les résignations ont été acceptées, savoir : M. A. Snyder, représentant délégué de la paroisse de Madison, et M. E. Lauve, représentant délégué de la paroisse de Lafayette.

Le Président a nommé dudit comité Messieurs

Phillips, Dorsey; Richardson de Ouachita, Dufour et St. Paul.

La Convention ayant repris en considération le susdit substitut,

M. Phillips fait la motion d'effacer "tous les sujets qui ont rapport aux divers noms qui les désignent" et d'y substituer "pour prendre en considération tels articles de la Constitution qui pourraient leur être référés". Cette motion prévaut.

M. Thibodeaux fait la motion d'effacer, du substitut susdit, tout ce qui suit le mot "résolu" et d'y substituer les mots "Que le Président nomme un comité composé — de membres auquel la Constitution de 1845 sera référée et qui sera chargé de présenter tels amendements qu'il jugera nécessaires."

M. King de St. Landry demande la division de la question et, la question étant posée sur la proposition d'effacer, la Convention donne un vote négatif et la motion de M. Thibodeaux est perdue.

Sur motion le substitut de M. Herron est adopté et les blancs en sont remplis comme suit :

1. Comité de la Répartition des Pouvoirs du Gouvernement, composé de 5 membres.

2. Comité du Département Législatif, composé de 11 membres.

3. Comité du Département de l'Exécutif, composé de 7 membres.

4. Comité du Département du Judiciaire, composé de 11 membres.

5. Comité de la Poursuite par voie d'Impeachments et des destitutions d'office, composé de 7 membres.

6. Comité des Dispositions Générales de la Constitution, composé de 11 membres.

7. Comité des Amendements de la Constitution, composé de 11 membres.

8. Comité des dispositions transitoires de la Constitution, composé de 7 membres.

9. Comité de la Franchise Electorale, composé de 7 membres.

10. Comité de l'Education Publique, composé de 7 membres.

M. St. Paul présente le préambule et la résolution qui suivent :

Attendu que les grands intérêts agricoles de l'Etat nécessitent l'établissement d'un système général, uniforme et efficace de Digues et de Levées et que les points principaux de ce système devraient faire partie de la Constitution,

Il est résolu qu'un comité spécial composé de — membres soit immédiatement nommé par le Président et chargé de présenter un système qui puisse être intercalé dans la Constitution.

Il est de plus résolu qu'afin de pouvoir se procurer les renseignements nécessaires, un congé illimité soit accordé aux membres de ce comité et qu'ils soient autorisés à faire comparaître des individus et à exiger la production de tous les documents qui leur seront nécessaires.

M. King de St. Landry fait la motion de déposer ce préambule et cette résolution sur le bureau.



Le secrétaire fait l'appel nominal et

Messieurs Anderson de St. Landry, Anderson de Carroll, Akenhead, Avery, Armant, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Brother, Boyer, Bullard, Buisson, Byrne, Carter, Campbell, Cotton, Connelly, Conrad, Davidson, Delony, Declouet, Dorsey, Dosson, Douglas, Dufour, Dugué, Duffel, Edwards d'Orléans, Edwards de Washington, Eggleston, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hough, Hodges, Isaacks, Jones, King de St. Landry, King de Jackson, Lapeyre, Leeds, Lyle, McIlhenny, Mc Millen, Mathews, d'Orléans, Martin, Moss, Monge, Olivier de Ste. Marie, Parham, Palfrey, Paxton, Pierce, Pierson, Pujo, Reeves, Richardson d'Ouachita, Richardson de Ste. Marie, Roman, Roysden, Sandidge, Smart, Swazey, Shaw Shelton, Smith, Smith de Wynn, Sibley, Tatman, Taliafero, Thompson, Todd, Waddil et Whittington, 79 délégués votent dans l'affirmative.

Et Messieurs Andrews, Bernard, Beard, Bienvenu, Boudousquié, Castellanos, Collens, Dalfères, Eustis, Gardère, Guion, Hebert, Hunt, Jourdan, Key, LeBlanc, Lobdell, Marrero, Nicholls, Oliver de St. Martin, Preaux, Phillips, Pugh, Rixner, Roselius, Ronquillo, Robinson, St. Paul, Staës, Scarborough, Simms, Stewart, Talbot, Thibodeaux, VanWickle, Villere et Williams, 37 délégués votent dans la négative.

Par conséquent la motion du délégué de St. Landry prévaut et le préambule et la résolution sont déposés sur le bureau.

M. Hunt fait la motion que la Convention prenne en considération la Constitution de l'Etat.

M. Cotton propose, comme substitut à ladite motion, que la Convention prenne en considération la Constitution de 1845, article par article, et procède à amender, changer, adopter ou effacer chacun des articles de ladite Constitution.

Sur motion ce substitut est rejeté et la motion de M. Hunt est adoptée.

Le secrétaire fait la lecture de la Constitution comme suit :

### *Constitution de l'Etat de la Louisiane.*

#### PREAMBULE.

Nous, le Peuple de la Louisiane, ordonnons et instituons cette Constitution.

Pendant que la Convention s'occupe de ce préambule,

M. St. Paul fait la motion de nommer un comité spécial, nommé le "Comité des droits du Peuple" chargé de présenter, le ———, un préambule et une déclaration des droits du peuple. Cette motion est rejetée.

M. Thibodeaux propose de renvoyer la plus ample considération du préambule. Cette motion est aussi rejetée.

Sur la motion de M. Benjamin le préambule est adopté.

#### TITRE I.

##### *De la division des pouvoirs.*

ART. 1. Les pouvoirs du Gouvernement de l'Etat de la Louisiane seront divisés en trois dé-

partemens distincts, et chacun d'eux sera confié à un corps séparé de magistrature, savoir : le Pouvoir Législatif à un corps, le Pouvoir Exécutif à un autre corps et le Pouvoir Judiciaire à un troisième corps.

Sur motion, le premier article est adopté.

ART. 2. Aucun de ces départements, ni aucune personne occupant une place dépendant de l'un d'eux, n'exercera de pouvoir appartenant en propre à l'un des deux autres, excepté dans les cas ci-après expressément prévus ou déterminés.

Sur motion le second article est adopté.

#### TITRE II.

##### *Du Pouvoir Législatif.*

ART. 3. Le pouvoir législatif de cet Etat sera confié à deux branches distinctes, l'une desquelles s'appellera "Chambre des Représentans" et l'autre "Sénat;" l'une et l'autre réunies s'appelleront "Assemblée Générale de l'Etat de la Louisiane."

Pendant que la Convention s'occupe de cet article,

Mr. Dufour présente la résolution suivante qui est lue et adoptée :

*Résolu* 1. Que la nouvelle Constitution sera promulguée en français et en anglais.

2. Qu'un comité composé de cinq membres soit nommé pour diriger et reviser la traduction de la nouvelle Constitution de l'anglais en français.

Sur motion le troisième article de la constitution est adopté.

Après la lecture du quatrième article qui suit :

ART. 4. Les membres de la Chambre des Représentans resteront en fonctions pendant l'espace de deux années à partir du jour de la clôture des élections générales.

Mr. Cotton propose d'effacer le mot "*deux*" dans le susdit article.

Mr. Herron fait la motion de renvoyer la prise en considération de cet article et de le mettre à l'ordre du jour pour vendredi 9 du courant.

Cette motion est rejetée.

Mr. Cotton renouvelle sa motion d'effacer.

Sur cette motion on demande l'appel nominal qui donne le résultat suivant : Messrs. Andrews d'O., Addison, Besançon, Beale, Beard, Cotton, Delony, Duffel, Herron, Hebert, Jourdan, Roysden, Robinson, Staes, Scarborough, Talbot, Taliafero et Todd, 18 délégués votent dans l'affirmative

Et Messrs. Anderson de St. Landry, Anderson de Carroll, Akenhead, Avery, Armant, Bradford, Bartlett, Benjamin, Bernard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Dalfères, Davidson, Declouet, Dorsey, Dosson, Douglass, Dufour, Dugué, Edwards d'Orléans, Edwards, de Washington, Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King, de St. Landry, King, de Jackson,



Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews, d'Orléans, Mathews de Pte C., Marrero, Martin, Moss, Mongé, Nicholls, Olivier de St. Martin, Olivier de Ste Marie, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Phillips, Pujo, Pugh, Reeves, Richardson, du Ouachita, Richardson de Ste Marie, Rixner, Risk, Roselius, Roman, Ronquillo, Sandidge, St. Paul, Smart, Swazey, Shaw, Shelton, Smith, Smith de Winn, Sibley, Simms, Stewart, Tatman, Thibodeaux, Thompson, Van Wickle, Villeré, Waddil, Williams, et Whittington; 105 délégués votent dans la négative.

Par conséquent la dite motion est rejetée.

Sur motion le quatrième article est adopté.

Après lecture du cinquième article, qui suit :

ART. 5. L'élection des Représentans aura lieu tous les deux ans, le premier lundi de Novembre, et ne durera qu'un jour. L'assemblée générale se réunira tous les deux ans, le troisième lundi de Janvier qui suivra l'élection, à moins qu'un autre jour ne soit fixé par la loi. Ses sessions se tiendront au siège du gouvernement.

Mr. Jones présente ce qui suit comme un substitut à l'article ci-dessus :

ART. 5. L'élection des Représentans aura lieu tous les deux ans, le premier lundi de , et ne durera qu'un jour. L'assemblée générale se réunira tous les ans, le troisième lundi de Janvier, à moins qu'un autre jour ne soit fixé par la loi, ses sessions se tiendront au siège du gouvernement.

Pendant que la Convention s'occupe de ce substitut,

Mr. Collens fait la motion que lorsque la Convention s'ajournera, elle devra s'ajourner à demain à 9 heures du matin. Cette motion est adoptée.

Sur motion la Convention s'ajourne à demain matin à 9 heures.

JEUDI, 8 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. J. H. Harmon fait l'ouverture des délibérations par des prières.

L'Hon. D. F. Kenner, Président, occupe le fauteuil et 118 délégués répondent à l'appel.

M. Phillips, de la part du comité qui a été nommé pour s'enquérir de la manière de procéder pour remplir les vacances occasionnées par la démission de MM. Alonzo Snyder et E. Laure, le premier, délégué représentatif de la paroisse Madison et le dernier de la paroisse Lafayette, présente le rapport suivant :

Le neuvième article de l'acte intitulé : "Acte pour prendre le sens du peuple sur l'opportunité de convoquer une Convention pour changer la Constitution et pour pourvoir à l'élection des délégués et à la manière de tenir la Convention,"

approuvé le 23 février 1852, pourvoit "qu'en cas de mort ou de démission d'un des délégués à la dite Convention, il sera de suite ordonné une nouvelle élection par le Gouverneur, pour remplir sa place de la même manière et dans le même délai qu'il est prescrit par la loi pour remplir une vacance dans l'Assemblée Générale."

Le comité présente, par conséquent, la résolution suivante :

Résolu que le Président de la Convention soit invité à annoncer officiellement, au Gouverneur, la démission de MM. Alonzo Snyder et E. Laure.

(Signé) W. B. PHILLIPS, Rapport.

Sur motion, ce rapport est adopté.

M. Sandidge présente la résolution suivante, qui est lue et adoptée :

Résolu que le secrétaire d'Etat soit requis de fournir, dans le plus bref délai, pour l'usage de la Convention, un tableau tiré du dernier recensement de cet Etat, comprenant :

1o Toute la population blanche de l'Etat.

2o. " " esclave "

3o. Le nombre de personnes de couleur libres dans l'Etat.

4o. Le nombre d'habitants mâles au-dessus de l'âge de 21 ans.

5o. Le nombre respectif des dites personnes dans chaque paroisse de l'Etat.

Qu'il soit aussi requis de faire un autre tableau contenant les mêmes renseignements, et compilé, autant que possible, du dernier recensement de l'Etat, fait sous l'autorité du gouvernement fédéral; et aussi de produire d'autres tableaux tirés du recensement de 1830 et 1840.

M. Risk présente la résolution suivante, qui est lue et adoptée.

Résolu qu'il soit accordé aux rapporteurs des différents journaux qui désireraient rapporter les délibérations de la Convention, des places convenables au-dedans de la barre de la Convention et que le sergent d'armes soit requis de leur fournir tous effets qui pourraient leur être nécessaires dans l'accomplissement de leurs travaux.

M. Conrad présente la résolution suivante, qui est lue et sur motion adoptée :

Résolu que le huitième article de la Constitution soit mis à l'ordre du jour, pour jeudi 16 du courant.

M. Richardson, du Ouachita, présente la résolution suivante :

Résolu qu'il soit élu un rapporteur des Débats de la Convention, qui recevra un salaire de dix piastres par jour.

M. St-Paul présente l'amendement qui suit :

"Et qu'un des traducteurs de la Convention soit requis de traduire, en français, les rapports des Débats de la Convention et qu'il lui soit alloué une compensation additionnelle de cinq piastres par jour."

Sur motion, tout ce qui suit le mot "Convention" dans l'amendement ci-dessus est effacé.

M. Brother fait la motion de déposer l'amendement et la résolution sur le bureau.

Sur la dite motion, M. Simms demande l'appel nominal qui résulte comme suit :



L'Hon. D. F. Kenner, Président, occupe le fauteuil.

MM. Avery, Armant, Addison, Bradford, Bartlett, Benjamin, Brother, Boudousquié, Buisson, Campbell, Collens, Cotton, Conrad, Dalfères, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugué, Edwards, d'Orléans, Edwards, de Washington, Eggleston, Gardère, Jones, Lapeyre, Lobdell, Lyle, Mathews, d'Orléans, Mather, Mongé, Nicholls, Olivier, de St-Martin, Olivier, de Ste-Marie, Parham, Patterson, Preaux, Price, Rixner, Roselius, Roman, Roysden, Robinson, Shaw, Scarborough et Taliafero, 47 délégués, votent dans l'affirmative ; et

MM. Anderson de Carroll, Akendead, Andrews, Besançon, Bernard, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Connely, Delony, Dosson, Duffel, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King de St-Landry, King de Jackson, Leefe, Leeds, Le Blanc, McIlhenny, McMillen, Mathews de Pte Coupée, Marrero, Moss, Palfrey, Paxton, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson du Oua., Richardson de Ste-Marie, Risk, Ronquillo, Sandidge, St-Paul, Staës, Smart, Swazey, Shelton, Smith, Sibley Simms, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Todd, Van Wickle, Villeré, Waddill, Williams et Wittington, 75 délégués votent dans la négative.

Par conséquent cette motion est rejetée.

M. Shaw, présente ce qui suit comme substitut à la susdite résolution.

Résolu que chaque membre soit invité à rapporter son discours tel qu'il l'aura prononcé.

M. Cotton fait la motion de déposer la dite résolution sur le bureau.

Sur la dite motion, M. Parham réclame l'appel nominal qui donne le résultat suivant :

L'hon. D. F. Kenner, président, occupe le fauteuil.

MM. Anderson de St-Landry, Anderson de Carroll, Avery, Andrews, Addison, Bartlett, Benjamin, Besançon, Bernard, Beale, Beard, Bienvenu, Brother, Boyer, Bullard, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Delony, Dosson, Duffel, Edwards de Wash., Eggleston, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jourdan, Jones, King de St-Landry, King de Jackson, Leefe, Leeds, Le Blanc, Lobdell, McMillen, Mathews de Pte-C., Marrero, Moss, Olivier de St-Mt, Palfrey, Paxton, Preaux, Phillips, Pierce, Pierson Pugh, Richardson de Oua., Richardson de Ste-Marie, Risk, Roman, Ronquillo, Robinson, St-Paul, Staës, Smart, Swazey, Scarborough, Shelton, Smith de Winn, Sibley, Simms, Tatman, Talbot, Thibodeaux, Thompson, Todd, Van Wickle, Villeré, Waddill et Williams.

83 délégués votent dans l'affirmative et

MM. Akenhead, Armant, Bradford, Boudousquié, Buisson, Byrne, Collens, Dalferes, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugué, Edwards d'Orl, Gardère, Hays, Jennings, Jones,

Lapeyre, Lyle, Mathews d'O., Mather, Mongé, Nicholls, Olivier de Ste-Marie, Parham, Patterson, Price, Reeves, Rixner, Roselius, Roysden, Sandidge, Shaw, Smith d'O. Féliciana, Stewart, Taliafero et Wittington.

39 délégués votent dans la négative.

Par conséquent, la motion prévaut et le substitut présenté par M. Shaw est déposé sur le bureau.

M. Jennings fait la motion d'effacer de la résolution, l'amendement de M. St-Paul.

Sur la dite motion M. Conrad réclame l'appel nominal.

Pendant que l'on discutait cette motion, M. Guion propose d'élire un traducteur additionnel qui traduirait le rapport des débats de la Convention et qui recevrait un salaire de cinq piastres par jour.

M. Besançon demande la considération de la question principale et la Convention y consent.

La question étant posée sur la motion de M. Jennings, le secrétaire fait l'appel nominal qui donne le résultat suivant :

L'hon. D. F. Kenner, président, occupe le fauteuil.

MM. Anderson de St-Landry, Anderson de Carroll, Akenhead, Avery, Beard, Bienvenu, Boudousquié, Boyer, Bullard, Castellanos, Campbell, Davidson, Declouet, Douglass, Eggleston, Eustis, Guion, Jennings, Key, King de St-Landry, Mongé, Nicholls, Palfrey, Price, Pierce, Pierson, Richardson de Oua., Risk, Roman, St-Paul, Staës, Swazey, Shaw, Scarborough, Sibley, Simms, Tatman, Taliafero, Todd, Van Wickle, Waddill et Williams.

42 délégués votent dans l'affirmative et

MM. Andrews, Armant, Addison, Bradford, Bartlett, Benjamin, Besançon, Bernard, Beale, Brother, Buisson, Byrne, Carter, Collens, Cotton, Connely, Conrad, Dalferes, Delony, Dorsey, Dosson, Dufour, Dugué, Duffel, Edwards d'Orléans, Farmer, Gardère, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodge, Hunt, Isaacks, Jourdan, Jones, King de Jackson, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews d'Orl., Mathews de Pte-Coupée, Marrero, Mather, Moss, Olivier de St-Martin, Olivier de Ste-Marie, Parham, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson de Ste-Marie, Rixner, Roselius, Roysden, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith d'O. Féliciana, Smith de Winn, Stewart, Talbot, Thibodeaux, Thompson, Villeré et Wittington.

81 membres ont voté négativement. En conséquence la dite motion a été perdue.

Sur la motion d'adopter la résolution ainsi amendée;

M. Simms a demandé l'appel nominal ; lequel ayant été fait, il a paru que,

MM. Anderson, de St Landry ; Anderson, de Carroll ; Akenhead, Addison, Bartlett, Besançon, Bernard, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Collens, Connely, Dalferes, Davidson, Delony, Dosson, Duffel, Eustis, Farmer, Guion, Hatch, Harris, Har-



gis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King, de St Landry; King, de Jackson; Leece, Leeds, Le Blanc, Lobdell, McIlhenny, McMillen, Matthews, de Pointe-Coupée; Marrero, Moss, Paxton, Patterson, Preaux, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, de Ouachita; Richardson, de Ste Marie; Risk, Roselius, Ronquillo, Robinson, Sandidge, St Paul, Staës, Smart, Swazey, Shelton, Smith, Sibley, Simms, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Todd, Van Wickle, Villeré, Waddil, Williams et Wittington, 81 membres ont voté affirmativement.

Et que MM. Avery, Armand, Bradford, Benjamin, Brother, Boudousquié, Buisson, Campbell, Cotton, Conrad, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugué, Edwards, d'Orléans; Edwards, de Washington; Eggleston, Gardère, Hayes, Jones, Lapcyre, Lyle, Matthews, d'Orléans, Mather, Monge, Nicholls, Olivier, de Ste Marie; Parham, Palfrey, Price, Rixner, Roysden, Shaw, Scarborough, Smith, de Ouest-Feliciana, Taliafero, 39 membres ont voté négativement.

En conséquence, la résolution a été adoptée.

M. Carter a présenté ce qui suit comme règlement additionnel, dont, conformément aux règlements adoptés, la Convention a renvoyé la considération à demain. "Aucune motion, demandant l'appel nominal, ne prévaudra, à moins qu'elle ne soit secondée par dix membres—mais si l'appel est refusé, tel membre qui le désirera, fera enregistrer son vote dans le journal de la Convention."

M. Lobdell a présenté la résolution suivante :

Résolu qu'un comité sera nommé—sur le sujet des levées et améliorations publiques,—composé de—membres, auquel seront référés les sujets qui s'y rapportent; et le comité est requis de faire un rapport à la Convention, d'un plan praticable pour effectuer les dites améliorations.

M. Thompson a fait la motion de déposer la résolution sur le bureau,

Sur laquelle motion, M. Preaux a demandé l'appel nominal.

Pendant la discussion de cette motion, M. Harris ayant voté, hier, avec la majorité, sur la motion d'effacer le mot "deux" dans le 4me article de la Constitution, a fait la motion d'en reconsidérer le vote.

Le président a présenté à la Convention, la liste suivante des comités nommés par lui, en vertu du substitut présenté par M. Herron, et adopté par la Convention.

#### No 1.

Comité sur la division des pouvoirs du Gouvernement : A. J. Herron, rapporteur; H. H. Wilcoxon, J. P. Waddil, J. B. Leece, G. Rixner.

#### No. 2.

Comité sur le Pouvoir Législatif :

G. S. Guion, Rapporteur; F. D. Conrad, J. M. Sandidge, S. W. Dorsey, B. P. Paxton, N. R. Jennings, R. H. Sibley, J. G. Taliafero, L. V. Reeves, E. C. Davidson, T. C. Nicholls.

#### No. 3.

Comité sur le Pouvoir Exécutif :

Alex. Declouet, Rapporteur; P. O. Hebert, T. C. Scarborough, C. Bienvenu, J. H. Price, J. B. Smart, E. Duffel Jr.

#### No. 4.

Comité sur le Pouvoir Judiciaire :

R. Hunt, Rapporteur; J. G. Campbell, J. P. Benjamin, R. W. Richardson, C. L. Swazey, C. Dufour, W. S. Parham, E. A. Bradford, W. R. Phillips, C. A. Bullard.

#### No. 5.

Comité sur les Poursuites par voie d'*Impeachment* : A. G. Carter, Rapporteur; W. H. Avery, J. S. Armant, L. A. Besançon, C. M. Olivier, D. D. Richardson, A. J. Isaacks.

#### No. 6.

Comité sur les Dispositions Générales :

A. B. Roman, Rapporteur; D. F. Roysden, L. Matthews, G. F. Connely, A. Brother, E. Deloney, W. T. Palfrey, W. W. Pugh, S. Van Wickle, G. Eustis, C. D. Tatman.

#### No. 7.

Comité sur les Amendemens à la Constitution.

R. B. Todd, Rapporteur; J. R. Jones, S. Bartlett, R. G. Beale, H. B. Eggleston, D. Byrne, M. H. Dosson, W. H. Hough, C. J. Leeds, E. H. Martin, S. G. Risk.

#### No. 8.

Comité sur les Dispositions Transitoires :

J. E. King, Rapporteur; W. R. Douglass, A. Talbot, H. B. Shaw, P. T. Harris, J. B. Cotton, B. R. Simms.

#### No. 9.

Comité sur l'Instruction Publique :

R. G. Thibodeaux, Rapporteur; H. St. Paul, F. H. Hatch, P. B. Key, P. G. King, R. Preaux, W. W. Wittington.

#### No. 10.

Comité sur la Franchise Electorale :

T. W. Collens, Rapporteur; R. Hodges, W. W. Farmer, R. Anderson, A. J. Moss, C. L. Boudousquié, A. W. Jourdan.

#### No. 11.

Comité sur la révision de la Traduction française de la Constitution :

C. Dufour, Rapporteur; R. Preaux, J. G. Olivier, F. Gardère, J. M. Lapeyre.

Sur motion, la Convention s'est ajournée à demain, 9 heures, A. M.

VENDREDI, 9 juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend N. H. Crenshaw ouvre les délibérations par une prière.

L'Hon. D. F. Kenner occupe le fauteuil et 112 délégués répondent à leurs noms.

Sur motion de M. Deloney, congé est accordé à M. Patterson, pour cause de maladie dans sa famille.



## AFFAIRES NON-TERMINÉES.

La Convention passe alors à la seconde lecture du règlement additionnel dont s'occupait la Convention lors de son ajournement, hier :

“Aucune motion, demandant l'appel nominal ne prévaudra, à moins qu'elle ne soit secondée par dix membres, mais dans le cas où l'appel serait refusé, tel membre qui le désirera pourra faire enregistrer son vote dans le journal de la Convention.”

Sur motion, le susdit règlement a été adopté.

M. Preaux ayant voté, hier, avec la majorité, sur l'adoption de la résolution autorisant l'élection d'un rapporteur des débats a fait la motion d'en reconsidérer le vote.

Sur la dite motion, M. Richardson de Ouachita, a demandé l'appel nominal ; lequel ayant été fait, constate que

MM. Anderson, de Carroll, Avery, Armant, Bradford, Benjamin, Brother, Boudousquié, Buisson, Campbell, Collens, Cotton, Dalférés, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugué, Edwards, Eggleston, Gardère, Hayes, Jennings, Jones, Key, Matthews, d'Orléans, Mongé, Nicholls, Olivier, de St-Martin, Parham, Palfrey, Preaux, Price, Rixner, Roman, Roysden, Robinson, Shaw, Taliafero, — 40 membres ont voté affirmativement, et que

MM. Anderson de St-Landry, Akenhead, Andrews, Addison, Bartlett, Bernard, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Connely, Conrad, Delony, Dosson, Duffel, Eustis, Guion, Hatch, Harris, Hargis, Herron, Hebert, Hernandez, Hodges, Hunt, Isaacks, Jourdan, King, de St-Landry, King de Jackson, Leefe, Leeds, Leblanc, Lobdell, McIlhenny, McMillen, Matthews de Pte-Coupée, Marrero, Mather, Moss, Olivier, de Ste-Marie, Paxton, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Risk, Roselius, Ronquillo, St-Paul, Staës, Smart, Swazey, Shelton, Smith de W. F. Smith, de Winn, Sibley, Simms, Stewart, Tatman, Talbot, Thibodeaux, Thompson, VanWickle, Villeré, Waddill, Williams, Wittington, — 74 membres ont voté négativement ; en conséquence, la motion a été perdue.

M. Reeves a présenté la résolution suivante, qui a été lue et adoptée :

Résolu que la Convention s'occupe maintenant de l'élection d'un rapporteur.

Les nominations étant alors à l'ordre,

M. Dorsey a annoncé M. James Edward comme candidat, et

M. VanWickle a annoncé M. R. J. Ker.

M. King, de St-Landry, a fait la motion que la Convention prenne un recès de 15 minutes à l'effet de faire un choix des candidats nommés.

Laquelle motion a prévalu.

A l'heure fixée, le président a rappelé la Convention à l'ordre, et

Sur motion la Convention a procédé à l'élection d'un rapporteur.

L'appel nominal ayant été fait, les délégués dont les noms suivent ont voté pour M. James Edward :

Hon. D. F. Kenner, président ;

MM. Anderson, de St-Landry, Anderson, de Carroll, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquié, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Dufour, Dugué, Duffel, Edwards, d'Orléans, Edwards, de Washington, Eggleston, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hodges, Hunt, Jennings, Jones, Key, King, de St-Landry, Leefe, Leeds, Lobdell, McIlhenny, Matthews, d'Orléans, Marrero, Mongé, Nicholls, Olivier, de Ste-Marie, Olivier, de St-Martin, Palfrey, Preaux, Price, Pierce, Pierson, Reeves, Richardson, de Ste-Marie, Risk, Roselius, Roman, Roysden, St-Paul, Staës, Swazey, Shaw, Tatman, Taliafero, Thibodeaux, Thompson, Todd, Williams ; — 72 votes.

Et les délégués suivants ont voté pour M. R. J. Ker :

MM. Addison, Bartlett, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Delony, Dosson, Farmer, Hatch, Herron, Hébert, Isaacks, Jourdan, Leblanc, McMillen, Mathews, de P. C. Moss, Parham, Paxton, Phillips, Pugh, Richardson, d'Ouachita, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith, d'O. Fél., Sibley, Simms, Stewart, Talbot, VanWickle, Villeré, Waddill, Whittington ; — 40 votes.

M. James Edward ayant reçu la majorité voulue, a été déclaré dûment élu rapporteur de cette Convention.

M. Dorsey a présenté la résolution suivante, qui a été lue et adoptée :

“Résolu que 300 exemplaires du recensement de l'Etat de la Louisiane, de l'année 1850, seront imprimés, à l'usage de la Convention.”

Sur motion, la Convention a passé à la résolution suivante, faisant partie des affaires inachevées, d'hier :

Résolu qu'un comité sur le sujet des Levées et Améliorations publiques, composé de ——— membres, sera nommé, auquel seront référés les sujets qui s'y rapportent et qui devra faire un rapport à la Convention, d'un plan praticable pour effectuer les dites Améliorations.”

M. Thompson a fait la motion de déposer la motion sur le bureau.

Sur laquelle motion M. Guion a demandé l'appel nominal, — lequel ayant été fait, il a paru que

MM. Benjamin, Dufour, Mathews, Roselius, Dugué, Roman, Herron, Thompson, Delony, Ronquillo, Robinson, McIlhenny, Leeds, Bradford, Jennings, Price, Hayes, Risk, St-Paul, Staës, Leefe, Hernandez, Cotton, Besançon, Mather, Beale, Smith, Dorsey, Parham, Dosson, Richardson, de Ouachita, Sandidge, Roysden, Bullard, Tatman, Moss, Declouet, Palfrey, Addison, Hatch, Edwards, de Washington, Carter, Shaw, Reeves, Taliafero, Shelton, Hough, Todd, Farmer, King, Harris, Hargis, Pierce, Hodges, Douglass, McMillen, Smart, Davidson, Campbell, Isaacks, King, Swazey, Akenhead, Paxton, Mongé, Richardson, de Ste-Marie, Olivier, do — 67 délégués ont voté affirmativement ; et que

Messrs. Gardère, Guion, Stewart, Villeré,



Marrero, Byrne, Hunt, Brother, Avery, Edwards d'Orléans, Andrews, Eggleston, Buisson, Collens, Castellanos, Eustis, Jourdan, Rixner, Boudousquié, Armant, Duffell, Pugh, Le Blanc, Dalferes, Bernard, Key, Williams, Connely, Hebert, Talbot, Lobdell, Conrad, Van Wickle, Sibley, Waddill, Anderson de St. Landry, Jones, Phillips, Simms, Mathews de Pte Coupée, Anderson de Carroll, Beard, Scarborough, Bartlett, Pierson, Boyer, Olivier de St. Martin, Nicholls, et Thibodeaux; 49 Délégués ont voté négativement.

En conséquence la susdite motion a prévalu et la résolution a été déposée sur le bureau.

Mr. Bullard a présenté la résolution suivante, qui, sur motion a été déposée sur le bureau, sujet à l'appel de la Convention.

“Résolu qu'un comité de——membres soit nommé à l'effet de s'enquérir de l'opportunité de faire des Dispositions Constitutionnelles en faveur d'un Système Général d'Améliorations Internes dans cet Etat.”

M. Byrne a présenté la résolution suivante :

Résolu que le président de la Convention nommera un maître de poste de la Convention qui recevra un salaire de——piastres par jour.

Sur motion, la résolution a été adoptée et sur une seconde motion, le blanc a été rempli par le mot deux.

M. Roysden, a présenté la résolution suivante qui a été rejetée :

Résolu que tout le sixième article de la Constitution sera référé au comité sur les dispositions générales avec la recommandation de conseiller tels changements et amendements qu'il croira nécessaires, le plus tôt possible.

M. Gardère a présenté la résolution suivante qui a aussi été rejetée :

Résolu que la huitième section de la Constitution qui a été mise à l'ordre du jour pour jeudi prochain soit référée au comité sur le pouvoir législatif avec recommandation d'en faire un rapport ce jour, ou avant, si cela est possible.

#### ORDRE DU JOUR.

La Convention a alors passé au cinquième article de la Constitution qui est ainsi conçu :

Art. 5. L'élection des représentants aura lieu tous les deux ans, le premier lundi de novembre, et ne durera qu'un jour. L'assemblée générale se réunira tous les deux ans, le troisième lundi de janvier qui suivra l'élection, à moins qu'un autre jour ne soit fixé par la loi. Ses sessions se tiendront au siège du gouvernement.

La Convention a aussi pris en considération le substitut offert par M. Jones.

Art. 5. L'élection des représentants aura lieu tous les deux ans, le premier lundi de——et ne durera qu'un jour. L'assemblée générale se réunira tous les ans le troisième lundi de janvier, à moins qu'un autre ne soit fixé par la loi. Ses sessions se tiendront au siège du gouvernement.

M. Jones a fait la motion d'insérer dans le blanc, le mot mai.

M. Dufour a fait la motion de substituer le mot avril.

M. Guion a fait la motion de référer l'article et le substitut au comité sur le pouvoir législatif.

M. King, de St-Landry, a demandé la question préalable, qui a prévalu.

Le président a alors mis aux voix les motions de MM. Guion, Jones et Dufour; lesquelles ont été rejetées.

M. Jones a alors fait la motion que son substitut soit adopté. Laquelle motion a été perdue.

Le cinquième article étant donc devant la Convention, M. Avery a fait la motion d'en effacer les mots “tous les deux ans” et d'insérer le mot “annuellement.”

Sur laquelle motion l'appel nominal a été demandé et ayant eu lieu a résulté ainsi que suit :

MM. Anderson de Carroll, Bartlett, Bullard, Dalferes, Dorsey, Harris, Hargis, Hodges, Isaacks, King de Jackson, LeBlanc, McMillen, Parham, Pierce, Pugh, Richardson de Oua., Richardson de Ste-Marie, Rixner, Ronquillo, Sandidge, Smart, Sibley, Van Wickle, et Whittington. 24 membres ont voté négativement, et

MM. Anderson de St-Landry, Akenhead, Avery, Addison, Armant, Bradford, Benjamin, Besançon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Connely, Conrad, Davidson, Delony, Declouet, Dosson, Douglass, Dufour, Dugué, Duffel, Edwards, Edwards, Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Herron, Hébert, Hernandez, Hough, Hunt, Jennings, Jourdan, Jones, Key, King de St-L, Leefe, Leeds, Lobdell, McIlhenny, Mathews d'Orléans, Mathews de Pte-Coupée, Marrero, Mather, Moss, Mongé, Nicholls, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Paxton, Preaux, Price, Pierson, Phillips, Reeves, Risk, Roselius, Roman, Roysden, Robinson, St-Paul, Staës, Swazey, Shaw, Scarborough, Shelton, Smith d'O. F., Smith de Winn, Simms, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, Villeré, Waddill, et Williams.

95 membres ont voté affirmativement.

En conséquence, la motion a prévalu et l'amendement a été adopté.

M. Brother a alors fait la motion de biffer dans la seconde ligne le mot “premier” et d'insérer le mot “troisième.”

M. Cotton a fait la motion de substituer au lieu des mots “premier lundi de novembre” les mots “second lundi d'octobre.”

Pendant la discussion des dites motions. M. King a fait la motion de renvoyer la considération du dit article, et de le remettre à l'ordre spécial du jour, pour lundi 19 du courant. Laquelle motion a été perdue.

Le président a alors mis aux voix la motion de M. Cotton, offrant un substitut à l'amendement de M. Brother. Laquelle motion a été rejetée.

M. King de St-Landry a fait la motion d'insérer à la suite des mots “deux ans” les mots



“à moins qu’il n’y soit autrement pourvu par la loi.”

M. Herron a fait la motion de déposer la motion sur le bureau. Laquelle motion a prévalu, et l’amendement a été déposé sur le bureau.

M. Smart fait la motion d’effacer les mots “troisième lundi de décembre” et d’y substituer les mots “premier lundi de janvier.”

M. St-Paul propose comme substitut d’effacer les mots ‘troisième lundi de janvier’ et d’y substituer les mots ‘premier jour de mai.’

Sur motion de M. Armant, le substitut et l’amendement sont déposés sur le bureau.

M. Harris fait alors la motion d’effacer le mot ‘deux’ dans la seconde ligne et de le remplacer par les mots “tous les ans.”

M. Bienvenu demande que l’amendement soit déposé sur le bureau.

Sur la dite motion M. Harris réclame l’appel nominal qui donne le résultat suivant :

Messieurs Anderson de St-L., Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Bernard, Beard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Conrad, Dalferes, Davidson, Declouet, Dosson, Douglass, Dufour, Dugué, Duffel, Edwards, Edwards, Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Hernandez, Hough, Hunt, Jennings, Jones, Key, King, King, Leece, Leeds, Lobdell, McIlhenny, McMillen, Mathews, Mathews, Marrero, Mather, Moss, Mongé, Nicholls, Olivier, Olivier, Palfrey, Paxton, Preaux, Price Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Rixner, Risk, Roselius, Roman, Ronquillo, St-Paul, Smart, Swazey, Shaw, Shelton, Smith, Sibley, Simms, Tatman, Thibodeaux, Thompson, Waddill, Williams et Wittington.

91 membres votent dans l’affirmative et

Messieurs Anderson de Carroll, Addison, Besançon, Beale, Cotton, Delony, Dorsey, Harris, Hargis, Herron, Hébert, Hodges, Isaacks, Jourdan, Parham, Pierce, Roysden, Robinson, Sandidge, Staës, Scarborough, Stewart, Taliafero, Todd, Villere et Van Wickle.

26 délégués votent dans la négative.

Par conséquent la motion est rejetée et l’amendement est adopté.

Sur motion de M. Thompson, le cinquième article est adopté avec cet amendement.

Après lecture du sixième article comme suit :

Art. 6. Nul ne sera représentant si, lors de son élection, il n’est mâle, libre et blanc, et s’il n’a été pendant trois années citoyen des Etats-Unis, et s’il n’a atteint l’âge de vingt et un ans et résidé dans l’Etat pendant les trois années qui auront immédiatement précédé l’élection, et pendant la dernière de ces trois années dans la paroisse pour laquelle il pourra être élu.

M. Todd présente le substitut suivant :

Art. 6. Tout électeur, dûment qualifié d’après cette Constitution, sera éligible à la chambre des représentants.

M. Dufour présente l’amendement qui suit :

“Les représentants seront des électeurs dûment qualifiés des paroisses qu’ils représenteront.”

M. Deloney présente l’amendement qui suit :

“Nul ne sera représentant à moins qu’il ne soit, lors de son élection, un électeur dûment qualifié de la paroisse dans laquelle il réside.”

Sur la motion de déposer le substitut, le proviso et l’amendement sur le bureau,

M. Swazey demande l’appel nominal, qui résulte comme suit :

MM. Anderson, Anderson, Akenhead, Avery, Andrews, Addison, Armant, Bartlett, Beard, Boudousquié, Collens, Conrad, Dugué, Edwards, de Washington ; Eggleston, Jones, Key, Lobdell, Mathews, d’Orléans ; Mather, Monge, Preaux, Pierson, Richardson de Ste Marie ; Rixner, Roman, Staës, Swazey, Tatman et Thompson, 30 délégués votent dans l’affirmative, et

MM. Bradford, Benjamin, Besançon, Bernard, Beal, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Cotton, Connelly, Dalferes, Davidson, Deloney, Declouet, Dorsey, Dosson, Douglass, Dufour, Duffel, Edwards, d’Orléans ; Eustis, Farmer, Gardère, Guion, Hatch, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, King, King, Leece, Leeds, Le Blanc, McIlhenny, McMillen, Mathews, de Pte. Coupée ; Marrero, Moss, Nicholls, Olivier, Olivier, Parham, Palfrey, Paxton, Price, Pierce, Phillips, Pugh, Reeves, Richardson, de Ouachita ; Risk, Roselius, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Smart, Shaw, Scarborough, Shelton, Smith, Sibley, Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, VanWickle, Villere, Waddill, Williams et Wittington, 88 délégués votent dans la négative.

Par conséquent, la motion de déposer sur le bureau est rejetée.

M. Sandidge fait la motion de déposer la proposition de M. Dufour et celle de M. Delony sur le bureau.

La question étant posée, 52 délégués votent dans l’affirmative et 52 dans la négative.

Les voix étant également divisées le président vote dans l’affirmative et les dites propositions sont déposées sur le bureau.

Le substitut étant devant la Convention,

M. Davidson présente le proviso qui suit :

“Pourvu qu’il soit à l’époque de son élection, un électeur qualifié de la paroisse dans laquelle il est choisi.”

Les délégués dont les noms suivent présentent les substituts suivants au susdit proviso. Les dits substituts sont respectivement déposés sur le bureau.

M. Hargis.

Art 6. Nul ne sera représentant si, lors de son élection, il n’est mâle, libre et blanc et s’il n’a été pendant un an citoyen des Etats-Unis et s’il n’a atteint l’âge de 21 ans et résidé dans l’Etat pendant l’année qui aura immédiatement précédé son élection et pendant les derniers six mois dans la paroisse pour laquelle il pourra être élu.

M. Douglass.

Art 6. Nul ne sera représentant si, lors de son élection, il n’est citoyen mâle, libre et blanc des



Etats-Unis et s'il n'a atteint l'âge de 21 ans et résidé dans l'Etat et dans la paroisse pour laquelle il pourra être élu, pendant l'année qui aura immédiatement précédé son élection.

M. Swazey.

Art 6. Nul ne sera représentant si, lors de son élection, il n'est mâle, libre et blanc et s'il n'a été pendant deux ans citoyen des Etats-Unis et s'il n'a atteint l'âge de 21 ans et résidé dans l'Etat pendant les deux années qui auront immédiatement précédé son élection et, pendant la dernière de ces deux années, dans la paroisse pour laquelle il pourra être élu.

M. Parham.

Art 6. Nul ne sera représentant si, lors de son élection, il n'est mâle, libre, blanc et citoyen des Etats-Unis et s'il n'a atteint l'âge de 21 ans et résidé dans l'Etat pendant l'année qui aura immédiatement précédé son élection.

M. Phillips présente le proviso suivant comme substitut au proviso proposé par M. Davidson :

Pourvu que le représentant soit, lors de son élection, un électeur qualifié de la paroisse ; et le sénateur, un électeur qualifié du District sénatorial pour lequel il est élu.

La question étant posée sur ce proviso, M. Jennings fait la motion que ce sujet soit mis à l'ordre spécial du jour pour demain à 9 heures, immédiatement après la lecture du journal, et que la Convention s'ajourne.

Cette motion est rejetée.

Sur motion, le proviso est adopté et, sur une motion subséquente d'adopter le substitut avec l'amendement,

On demande l'appel nominal qui résulte comme suit :

MM. Anderson, de St Landry ; Akenhead, Armant, Boudousquié, Dugué, Edwards, de Washington ; Eggleston, Gardère, Hargis, Jones, Lobdell, Monge, Olivier, de Ste Marie ; Palfrey, Rixner, Roman, Staës, Swazey, Tatman et Thompson, 20 délégués votent dans la négative.

MM. Avery, Andrews, Anderson, de Carroll ; Addison, Bradford, Bartlett, Benjamin, Besançon, Bernard, Beale, Beard, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Connely, Dalferes, Davidson, Deloney, Declouet, Dorsey, Dosson, Douglass, Dufour, Duffel, Edwards, d'Orléans ; Eustis, Farmer, Guion, Hatch, Hayes, Harris, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King, King, Leefe, Leeds, Le Blanc, McIlhenny, McMillen, Mathews, Mathews, Moss, Nicholls, Olivier, de St Martin ; Parham, Paxton, Preaux, Price, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Risk, Roselius, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Smart, Shaw, Scarborough, Shelton, Smith, Smith, Sibley, Simms, Stewart, Talbot, Taliaferro, Thibodeaux, Todd, VanWickle, Villeré, Waddill, Williams et Whittington, 97 délégués votent dans l'affirmative.

Par conséquent, la dite motion prévaut et le substitut est adopté avec l'amendement.

La Convention prend en considération l'article 7 conçu comme suit :

Art 7. L'élection des représentants des diverses paroisses ou des divers Districts représentatifs, aura lieu dans les divers arrondissements électoraux établis par la loi, ou que la Législature pourra établir. La Législature pourra déléguer le pouvoir d'établir des arrondissements électoraux aux autorités paroissiales ou municipales.

Sur motion, les mots suivants sont insérés après les mots "l'élection des représentants," savoir : à l'assemblée générale".

M. Collens propose d'effacer les mots suivants : "des diverses paroisses ou des divers Districts représentatifs".

Cette motion prévaut.

Sur motion, l'article 7 est adopté avec les amendements.

La Convention ayant mis l'article 8 à l'ordre du jour pour jeudi, 15 du courant, ne s'en occupe pas et passe à l'article 9 ainsi conçu :

Art 9. La Chambre des Représentants élira son orateur et ses autres officiers.

Sur motion, cet article est adopté.

Après lecture de l'article 10, comme suit :

Art 10. Dans toutes les élections par le peuple, tout individu mâle, libre et blanc, qui sera depuis deux ans citoyen des Etats-Unis, aura atteint l'âge de vingt-et-un ans et aura résidé dans l'Etat pendant les deux années qui auront immédiatement précédé l'élection, et pendant la dernière de ces deux années, dans la paroisse où il se présentera pour voter, exercera les droits d'électeur ; bien entendu que nul ne sera privé du droit de suffrage si, lors de l'adoption de cette Constitution, il sera investi de ce droit en vertu de la Constitution de 1812. Dans tous les cas, excepté ceux de trahison, de félonie, de violation de la paix ou d'atteinte à la sûreté publique, les électeurs jouiront du privilège de ne pouvoir être arrêtés pendant qu'ils seront aux lieux d'élection ou qu'ils s'y rendront ou qu'ils en reviendront.

M. Delony présente le substitut suivant :

Art 10. Dans toutes les élections par le peuple, tout individu mâle, libre et blanc qui sera citoyen des Etats-Unis et qui aura atteint l'âge de vingt-et-un ans et résidé dans l'Etat pendant l'année qui aura immédiatement précédé son élection et, pendant les derniers six mois, dans la paroisse dans laquelle il se présentera pour voter, exercera les droits d'électeur. Bien entendu que nul ne sera privé du droit de suffrage pour avoir résidé dans une paroisse avant d'avoir acquis une résidence dans une autre paroisse. Dans tous les cas, excepté ceux de trahison, de félonie, de violation de la paix ou d'atteinte à la sûreté publique, les électeurs jouiront du privilège de ne pouvoir être arrêtés pendant qu'ils seront aux lieux d'élection ou qu'ils s'y rendront ou qu'ils en reviendront.

Les délégués dont les noms suivent présentent les amendements suivants qui, avec l'article et le substitut, sont référés au comité de la Franchise Electorale.

M. Davidson.

Art 10. Dans toutes les élections par le peuple,



tout individu mâle, libre et blanc qui sera depuis un an citoyen des Etats-Unis et qui aura atteint l'âge de vingt-et-un ans et résidé dans l'Etat pendant l'année qui aura immédiatement précédé l'élection, et pendant les derniers six mois, dans la paroisse dans laquelle il se présentera pour voter, exercera les droits d'électeur. Dans tous les cas, excepté ceux de trahison, de félonie, de violation de la paix, ou d'atteinte à la sûreté publique, les électeurs jouiront du privilège de ne pouvoir être arrêtés pendant qu'ils seront aux lieux d'élection ou qu'ils s'y rendront ou qu'ils en reviendront.

M. Cotton.

Art 10. Dans toutes les élections par le peuple, tout individu mâle, libre et blanc qui sera citoyen des Etats-Unis et qui aura atteint l'âge de vingt-et-un ans et aura résidé dans l'Etat pendant l'année qui aura immédiatement précédé l'élection, et pendant les derniers six mois, dans la paroisse dans laquelle il se présentera pour voter, exercera les droits d'électeur. Dans tous les cas, excepté ceux de trahison, de félonie, de violation de la paix ou d'atteinte à la sûreté publique, les électeurs jouiront du privilège de ne pouvoir être arrêtés pendant qu'ils seront aux lieux d'élection ou qu'ils s'y rendront ou qu'ils en reviendront.

M. Richardson, de Ste Marie.

Art 10. Dans toutes les élections par le peuple, tout individu mâle, libre et blanc qui sera citoyen des Etats-Unis et qui aura atteint l'âge de vingt-et-un ans et aura résidé dans l'Etat pendant les six mois qui auront immédiatement précédé l'élection et, pendant les derniers trois mois, dans la paroisse dans laquelle il se présentera pour voter, exercera les droits d'électeur. Dans tous les cas, excepté ceux de trahison, de félonie, de violation de la paix ou d'atteinte à la sûreté publique, les électeurs jouiront du privilège de ne pouvoir être arrêtés pendant qu'ils seront aux lieux d'élection ou qu'ils s'y rendront ou qu'ils en reviendront.

M. Jones présente la résolution suivante qui est lue et adoptée :

Résolu que tout délégué qui pourrait avoir préparé un substitut à l'article 10<sup>me</sup> soit autorisé à le transmettre au secrétaire, qui le soumettra au comité.

Le président annonce que, conformément à une résolution passée par la Convention, il a nommé M. J. B. Houghton maître de poste de la Convention.

M. Besançon propose d'ajourner à lundi matin à 9 heures.

Sur la dite motion on demande l'appel nominal, qui résulte ainsi qu'il suit :

MM. Besançon, Beale, Castellanos, Carter, Collens, Deloney, Eggleston, Herron, Hernandez, Jennings, Preaux, Staës et Smith, d'Ouest Feliciana, 13 délégués votent dans l'affirmative, et

MM. Anderson, Anderson, Akenhead, Avery, Andrews, Addison, Armant, Bradford, Bartlett, Benjamin, Bernard, Beard, Bienvenu, Brother, Boudousquié, Boyer, Buisson, Byrne, Campbell, Cotton, Connely, Conrad, Dalferes, Davidson,

Deelouet, Dorsey, Dosson, Douglass, Dufour, Dugué, Duffel, Edwards, Edwards, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Hébert, Hough, Hodges, Hunt, Isaacks, Jourdan, Jones, Key, King, Leefe, Leeds, Le Blanc, Lobdell, Meilhenny, McMillen, Mathews, Mathews, Marrero, Mather, Moss, Monge, Nicholls, Olivier, Olivier, Parham, Paxton, Price, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, Richardson, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Smart, Swazey, Shaw, Searborough, Shelton, Smith, de Winn; Sibley, Simms, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, VanWickle, Villeré, Waddill, Williams et Wittington, 105 membres votent dans la négative.

Par conséquent, cette motion est rejetée.

Sur motion, la Convention s'ajourne à demain matin à 9 heures.

SAMEDI, 10 juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 96 délégués répondent à l'appel.

Le Révérend M. Woodridge fait l'ouverture des délibérations de la Convention par des prières.

Sur motion, la Convention accorde un congé à MM. Beale, VanWickle et Preaux.

M. Gardère, de la part du comité des dépenses contingentes, présente le rapport et la résolution qui suivent :

Le comité des dépenses contingentes a l'honneur de rapporter,

Qu'ayant pris les renseignements nécessaires au bureau du trésorier, il s'est assuré que, bien qu'il y ait de fortes sommes déposées au crédit de divers fonds spéciaux de l'Etat et appropriées par la loi à des objets particuliers, il n'y a qu'une somme très faible portée au fonds général, duquel seulement doit être tiré l'appropriation faite par l'acte qui convoque cette Convention, et que, par conséquent, le trésorier se trouvera dans l'impossibilité de faire face aux demandes qui lui seront faites pour payer le milage et le "per diem" des membres de la Convention et les dépenses courantes de cette assemblée.

Pour obvier à cette difficulté, le comité s'est adressé à la Branche de la Banque de l'Etat de la Louisiane, établie en cette ville, afin d'obtenir un emprunt de vingt-cinq mille piastres (\$25,000) basé sur l'appropriation d'une pareille somme que la dernière Législature a faite pour défrayer les dépenses de la Convention, et, quoiqu'il n'ait pas encore reçu de réponse positive, il a lieu de croire que la Mère-Banque autorisera ce prêt à raison de six pour cent l'an, et remboursable par l'Etat dès qu'il aura reçu la somme nécessaire. Le comité demande, par con-



séquent, l'autorisation d'effectuer cet emprunt, à condition que la Branche-Banque porte la somme empruntée au crédit de la Convention qui la tirera, sur le mandat du président, en faveur des membres et des officiers de cette assemblée, et pour tous les objets que désignera la Convention. A cet effet, le comité a annexé à son rapport une résolution qui lui donne les pouvoirs nécessaires pour négocier et effectuer le dit emprunt, en cas que la Branche-Banque y consente.

Le comité croit de son devoir de vous annoncer, qu'après avoir examiné avec soin la loi qui convoque cette Convention, il est fermement convaincu, que la somme de \$25,000, et pas davantage, a été appropriée pour faire face aux dépenses de ce corps, et que cette somme, qui, lors de son appropriation, était considérée amplement suffisante, attendu que l'on supposait alors que la session de la Convention serait courte et peu coûteuse, sera évidemment entièrement insuffisante à l'objet pour lequel elle a été destinée. Le tableau qui suit le démontrera clairement :

Montant de l'appropriation.....	\$25,000
Milage des membres d'après le compte présenté par le commis chargé de tirer leurs mandats	10,980
Approprié pour payer le port des lettres et journaux des mem- bres.....	500
Achat de fournitures et autres dépenses contingentes, faites par le sergent d'armes avant l'ouverture de la Convention, environ.....	250—\$11,730
Les dépenses quotidiennes de la Convention, non compris les im- pressions et les autres dépenses contingentes, sont comme suit:	
130 membres, à \$4 par jour....	\$520
1 secrétaire.....	14
1 secrétaire adjoint.....	10
1 rapporteur.....	10
2 traducteurs, à \$8 chaque.....	16
4 commis aux enregistrements, à \$6 chaque.....	24
1 sergent d'armes.....	6
1 portier.....	6
1 maître de poste.....	2
Salaire quotidien des membres et des officiers.....	\$608
10 exemplaires de journaux à chaque membre, donnant un total de 1,300 exemplaires, en- viron.....	\$40
	\$648
D'après ce qui précède, 20 jours coûteraient.....	\$12,960
Donnant un total de.....	\$24,690

Ce qui précède démontre clairement que la somme de \$25,000 qui a été appropriée ne suffira pas à payer les dépenses de la Convention

pendant plus de vingt jours, sans comprendre le compte de l'imprimeur et les autres dépenses inévitables et imprévues.

Le comité observe, en terminant, que, lorsque l'appropriation sera épuisée, il ne se eroit pas autorisé à approuver ou viser aucun mandat sur le trésor, attendu qu'il est convaincu qu'en le faisant, il agirait illégalement et sans aucune autorité que ce soit.

(Signé)

FERGUS GARDERE, rapp.

Résolu que le comité des dépenses contingentes soit autorisé à négocier et à effectuer, au nom de la Convention, avec la Branche de la Banque de l'Etat de la Louisiane, établie à Bâton-Rouge, un emprunt au taux de six pour cent l'an, d'une somme égale à l'appropriation faite par la loi de 1852, qui convoque cette Convention, la somme ainsi empruntée devant rester déposée à la dite Branche-Banque, pour être tirée de temps en temps sur le mandat du président de la Convention, contresigné par le secrétaire et approuvé par un des membres du comité des dépenses contingentes.

Sur motion de M. Phillips, le rapport et la résolution susdits sont adoptés.

M. Sandidge présente la résolution suivante :

Résolu que le comité du département du judiciaire soit requis de rapporter à la Convention, s'il est convenable de diminuer le nombre des juges de la Cour Suprême et de faire de cette Cour une Cour d'Erreurs seulement. Que le dit comité soit aussi requis de rapporter s'il conviendrait d'autoriser l'Assemblée Générale à établir d'autres Cours que celles mentionnées dans la Constitution de 1845 et quels amendements il faudrait faire à cette Constitution pour venir à ces fins.

Après la lecture de cette résolution, M. Sandidge fait la motion de la référer au comité du département du judiciaire. Cette motion prévaut.

M. Jennings, de la part du comité spécial, nommé pour fixer le salaire des officiers de la Convention, etc., présente le rapport suivant :

Le comité auquel avait été référée la compensation des divers officiers de la Convention, après un examen approfondi du sujet, a fixé le salaire de l'imprimeur de la Convention aux taux suivants, qu'il a l'honneur de vous soumettre :

1o. Pour deux cents exemplaires du journal des débats de la Convention, en forme de livre, en français et en anglais, imprimé en caractère MINION, et composé de la matière publiée dans le journal, les pages devant avoir quatre-vingt-une lignes dans leur longueur, en y comprenant le titre, la ligne blanche au-dessous du titre et la ligne de pied ; les livres devant être cousus et brochés de la même manière que les lois, il sera alloué deux piastres et cinquante cents par page, et, pour chaque deux cents exemplaires après les premiers deux cents, deux piastres par page.

2o. Pour tous rapports, documents ou toute autre matière imprimée en forme de livre ou de pamphlet, en français et en anglais et composé en caractère appelé LONG PRIMER, les pages devant être de la même dimension que les pages des



Actes de la Législature de 1852, deux piastres et demie par page, et, pour chaque deux cents pages après les premiers deux cents, une piastre et vingt-cinq cents, y compris la brochure, etc.

30. Pour les résolutions imprimées sur papier-écolier, en français et en anglais, en caractère appelé LONG PRIMER ou SMALL PICA LEADED, ayant une largeur de 25 M de long primer, une longueur de 80 lignes, les lignes et les sections étant comptées comme ci-dessus, pour cent cinquante exemplaires, ou moins \$3 50 par page et \$2 pour chaque cent pages après les premières cent pages.

40. Pour tout ouvrage rayé ou illustré, il sera alloué une piastre par mille M de plus que les taux fixés ci-dessus — mais ces ouvrages devront être distinctement spécifiés dans le compte qui sera rendu à l'officier qui sera chargé de le régler.

50. Pour les blancs, la même compensation que celle qui était allouée à l'imprimeur d'Etat, d'après l'acte de 1846.

60. Pour toute matière publiée dans le journal, par page (l'espace couvert par cent mots ou plus) cinquante cents pour la première insertion, et vingt-cinq cents pour chaque insertion subséquente.

Sur motion de M. Connely, la plus ample considération de ce rapport est renvoyée à lundi, 12 du courant.

M. Sandidge présente la résolution suivante :

Résolu que le comité des amendements de la Constitution soit requis de rapporter les changements qu'il conviendrait de faire au mode d'amendement de la Constitution, prescrit par l'article 140.

Sur motion, cette résolution est déposée sur le bureau.

M. Conrad étant absent hier, lorsque la Convention vota l'article 6 de la Constitution est autorisé à faire enregistrer son vote sur cet article, et vote dans la négative.

Le même délégué est aussi autorisé à présenter le protêt qui suit et la Convention ordonne qu'il fasse partie du journal.

Le soussigné étant, d'opinion que l'amendement à l'article 6 de la Constitution, qui place les conditions d'éligibilité au Sénat sur le même niveau que celles qui sont requises pour l'éligibilité à la Chambre des Représentants est entièrement contraire à tous les principes simples et fondamentaux de loi organique qui ont été reconnus, adoptés et pratiqués depuis le commencement de la liberté américaine ; que les principes américains admettent généralement qu'une des Chambres de la Législature soit constituée sur des bases plus conservatives que l'autre ; lesquelles bases consistent, le plus généralement, dans la différence d'âge des membres des deux corps et la différence du temps requis pour la résidence de chacune d'elles, — proteste contre l'introduction de ce principe nouveau et rétrograde, selon lui, dans la Constitution de cet Etat, et demande que ce protêt soit enregistré dans le journal, comme preuve de la manière qu'il aurait voté s'il avait été présent à la pas-

sation définitive de cet article et pour faire connaître les raisons pour lesquelles il aurait voté ainsi. (Signé) F. D. CONRAD.

M. Declouet ayant voté dans la majorité, sur la motion d'adopter l'article 6 de la Constitution, en demande la reconsidération.

Sur la dite motion, M. Farmer demande l'appel nominal, qui donne le résultat suivant :

MM. Anderson, de St-Landry, Akenhead, Armand, Boudousquié, Castellanos, Campbell, Collens, Conrad, Declouet, Dorsey, Edwards, de Washington, Farmer, Gardère, Hayes, Harris, Hargis, Hernandez, Jennings, Jones, King, de St-Landry, Leefe, Lobdell, Mathews, d'Orléans, Mongé, Nicholls, Olivier, de St-Martin, Olivier, de Ste-Marie, Palfrey, Price, Richardson, de O. Rixner, Rosélius, Roman, Staës, Swazey, Shaw, Scarborough, Tatman, Thompson, et Williams, — 40 délégués votent dans l'affirmative, et

MM. Avery, Anderson, de Carroll, Addison, Bradford, Bartlett, Benjamin, Besançon, Bernard, Beard, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Carter, Cotton, Dalférès, Davidson, Delony, Dosson, Douglass, Dufour, Duffel, Edwards, d'Orléans, Eggleston, Eustis, Guion, Hatch, Herron Hébert, Hough, Hodges, Hunt, Isaacks, Jourdan, Key, Leeds, Leblanc, McIlhenny, Mathews, de la Pointe Coupée, Marrero, Moss, Paxton, Parham, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson, de Ste-Marie, Risk, Roysden, Ronquillo, Robinson, Sandidge, Saint-Paul, Smart, Shelton, Smith, Sibley, Simms, Stewart Talbot, Taliaferro, Thibodeaux, Todd, Villeré, Waddill et Wittington, — 71 délégués votent dans la négative.

Par conséquent, cette motion est rejetée et la Convention refuse la reconsidération.

M. Jones ayant voté dans la majorité sur l'adoption de l'article 5 de la Constitution, en demande la reconsidération.

La Convention s'y refuse.

M. Jones présente la résolution suivante, qui est renvoyée à un autre jour, d'après les règles de la Convention.

Résolu que ce qui suit soit adopté par la Convention comme une règle additionnelle : — que chaque fois qu'elle voudra référer un sujet à un comité général, la Convention tiendra à cet effet une session le soir, et que le dit comité fera son rapport à la Convention le lendemain.

M. Eustis présente la résolution suivante qui, sur motion, est déposée sur le bureau :

Résolu que le titre 6 de la Constitution soit référé au comité des dispositions générales et que ce comité soit chargé d'en faire un rapport le plus tôt possible.

#### ORDRE DU JOUR.

La Convention procède à l'article 11 de la Constitution, ainsi conçu :

Art. 11.—L'absence de l'Etat pendant plus de quatre-vingt-dix jours consécutifs interrompra l'acquisition de la résidence exigée dans l'article précédent, à moins que la personne absente ne tienne maison ou qu'elle n'occupe une propriété à l'usage des affaires, et que sa rési-



dence ou la maison à l'usage de ses affaires ne soit effectivement occupée durant son absence par les membres de sa famille ou par ses domestiques ou partie d'entre eux, ou par quelque personne employée par elle.

M. Guion propose de rejeter tout l'article. Cette motion prévaut.

Le douzième article est pris en considération et lu en ces termes :

Art. 12.—Aucun soldat, matelot ou marin appartenant à l'armée de terre ou à la marine des Etats-Unis, ni aucun mendiant, ni aucune personne interdite ou convaincue d'un crime punissable des travaux de force ne pourra voter à aucune élection dans cet Etat.

M. Risk fait la motion de référer le douzième et le treizième article au comité de la franchise électorale. Cette motion est rejetée.

M. Cotton présente le substitut suivant :

Art. 12.—Aucun mendiant, aucun idiot, ni aucune personne interdite ou convaincue d'un crime punissable des travaux forcés dans le Pénitencier de l'Etat, ne pourra voter à aucune élection de cet Etat.

Sur motion de M. Hunt, le substitut est déposé sur le bureau.

M. Phillips fait la motion d'effacer du douzième article les mots "aucun mendiant" et d'y substituer "aucune personne soutenue par la charité publique ou convaincue de vagabondage".

Sur motion de M. Hunt, cet amendement est déposé sur le bureau.

M. Dufour fait la motion d'effacer du dit article les mots "aucun soldat, matelot ou marin, appartenant à l'armée de terre ou à la marine des Etats-Unis".

Pendant que la Convention s'occupe de cet amendement,

M. Waddill présente ce qui suit comme substitut à l'article ci-dessus :

Art 12. — Aucun mendiant ou aucune personne interdite ou convaincue d'un crime punissable des travaux de force ne pourra voter à aucune élection dans cet Etat, et aucun soldat, matelot ou marin, appartenant à l'armée de terre ou à la marine des Etats-Unis ne jouira de ce droit, à moins qu'il n'y serve comme milicien de l'Etat et qu'il n'ait les qualifications requises pour être électeur au lieu où il se présentera pour voter.

Sur motion de M. King, de St-Landry, ce substitut est déposé sur le bureau.

M. Simms présente la résolution suivante qui, sur motion de M. King, de St-Landry, est déposée sur le bureau.

Résolu que l'art. 12 de la Constitution soit référé au comité de la franchise électorale et que ce comité soit requis d'en faire un rapport dès qu'il aura rapporté sur l'article 10.

M. Collens propose, comme substitut à la première clause de l'article ci-dessus, les mots suivants : " Pour avoir le droit de voter, nul ne perdra ou n'acquerra le droit de résidence à cause de son absence ou de sa présence pendant qu'il sera employé dans l'armée de terre ou dans

la marine des Etats-Unis, et aucun soldat, etc."

Pendant que ce substitut était en considération,

M. Benjamin demande la question préalable et la Convention y consent.

Le président annonce que la première question sur laquelle la Convention devait statuer est le substitut présenté par M. Collens. La question étant posée sur le substitut, la Convention décida qu'il serait déposé sur le bureau.

La question est alors posée sur l'amendement soumis par M. Dufour. Ce délégué demande l'appel nominal qui résulte comme suit :

MM. Addison, Bartlett, Besançon, Bienvenu, Boyer, Byrne, Castellanos, Cotton, Davidson, Dufour, Hargis, Herron, Jennings, Staës et Shaw.

15 délégués votent dans l'affirmative et

MM. Anderson, Anderson, Akenhead, Avery, Andrews, Armant, Bradford, Benjamin Bernard, Brother, Boudousquié, Bullard, Buisson, Carter, Campbell, Collens, Connely, Conrad, Dalferes, Delony, Declouet, Dorsey, Dosson, Douglass, Duffel, Edwards, Edwards, Eggleston, Eustis, Gardère, Guion, Hatch, Hayes Harris, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jourdan, Jones, Key, King, Leefe, Leeds, Lobdell, LeBlanc, McIlhenny, McMillen, Mathews, Marrero, Moss, Mongé, Nicholls, Olivier, Olivier, Parham, Palfrey, Paxton, Price, Pierce, Phillips, Pugh, Reeves, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St-Paul, Smart, Swazey, Scarborough, Shelton, Smith de Winn, Sibley, Simms, Stewart, Tatman, Talbot, Taliaferro, Thibodeaux, Thompson, Todd, Villeré, Waddill, Williams et Wittington.

95 délégués votent dans la négative.

Par conséquent l'amendement est rejeté.

M. Parham fait la motion d'adopter l'article et cette motion prévaut.

M. Carter ayant voté avec la majorité sur la motion de rejeter l'article 11, en demande la reconsideration.

Sur la dite motion, M. Phillips demande l'appel nominal et

MM. Anderson de St Landry, Akenhead, Addison, Bradford, Beard, Castellanos, Carter, Collens, Conrad, Delony, Declouet, Dorsey, Dosson, Dufour, Edwards, Edwards, Farmer, Hatch, Harris, Hargis, Herron, Hébert, Hodges, Hough, Jennings, Jourdan, King de St-Landry, Mathews de Pte-Coupée, Moss, Olivier de St-Martin, Palfrey, Paxton, Pierce, Phillips, Reeves, Richardson, Ronquillo, Sandidge, Swazey, Shelton, Sibley, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Todd et Villeré.

48 délégués votent dans l'affirmative et

MM. Anderson de Carroll, Avery, Andrews, Armant, Bartlett, Benjamin, Besançon, Bernard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Campbell, Cotton, Dalferes, Davidson, Duffel, Douglass, Eggleston, Eustis, Gardère, Guion, Hayes, Hernandez, Hunt, Isaacks, Jones, Key, Leefe, Leblanc, Leeds, Lobdell, McMillen, Mathews d'Orléans,



Marrero, Mongé, Nicholls, Olivier de Ste-Marie, Parham, Price, Pugh, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St-Paul, Staës, Smart, Shaw, Scarborough, Smith, Simms, Taliafero, Waddill, Williams et Wittington.

62 délégués votent dans la négative.

Par conséquent la reconsidération est refusée.

La Convention passe à l'article 13 qui est lu en ces termes :

Art. 13. Nul n'aura le droit de voter à aucune élection tenue dans cet Etat, si ce n'est dans la paroisse de sa résidence, et s'il réside dans une ville ou dans un bourg divisé en arrondissements électoraux, dans l'arrondissement électoral de sa résidence.

M. McMillen présente le substitut qui suit :

Art. 13 Tout électeur aura le droit de voter pour un sénateur dans aucun arrondissement du district sénatorial, ou pour un juge ou un avocat de district, ou pour un membre du Congrès dans aucune des paroisses composant le dit district, pourvu qu'il réside dans le district où il se présente pour voter. Tout électeur aura aussi le droit de voter pour les officiers de l'exécutif de l'Etat et pour le président et le vice-président des Etats-Unis dans aucune des paroisses de l'Etat.

M. Todd fait la motion de référer l'article et le substitut au comité de la franchise électorale. Cette motion est rejetée.

M. Waddill propose d'amender le substitut comme suit :

Nul n'aura le droit de voter à aucune élection dans cet Etat, si ce n'est dans la paroisse de sa résidence et, s'il réside dans une ville ou dans un bourg divisé en arrondissements électoraux, dans l'arrondissement dans lequel il a sa résidence. Bien entendu que tout électeur aura le droit de voter, pour les officiers élus par tout le peuple de l'Etat, dans toutes les limites de l'Etat.

M. Richardson de Ouachita, fait la motion de déposer le substitut et l'amendement sur le bureau. Cette motion prévaut.

L'article 13 étant devant la Convention,

M. Taliafero propose que l'amendement suivant soit inséré à la fin de l'article : "à moins qu'il n'en soit autrement ordonné ou prescrit par la loi."

M. Herron fait la motion de déposer l'amendement sur le bureau. Cette motion prévaut.

M. Delony a alors présenté le proviso suivant, lequel sur motion a été déposé sur le bureau :

Bien entendu que nul ne sera privé du droit de suffrage, dans aucune partie de l'Etat, située à plus de trente milles de la paroisse où sa résidence est fixée, dans les élections de fonctionnaires de l'Etat.

M. Smart a présenté le substitut suivant lequel sur motion de M. Gardère, est déposé sur le bureau.

Art. 13. Tout électeur compétent aura le droit de voter dans toute partie de l'Etat pour le président des Etats-Unis, et pour tous les fonctionnaires de l'Etat ; et qu'il aura le droit de

voter dans toute partie de son district congressionnel pour un membre du Congrès ; et qu'il aura le droit de voter dans toute partie de son district sénatorial ou judiciaire pour sénateur ou juge.

M. Bullard a présenté le proviso suivant au susdit article :

Bien entendu cependant, qu'un électeur compétent des paroisses d'un district électoral, pourra voter pour des officiers de district dans toute paroisse de tel district, et pour tous officiers élus en élection générale, dans toute partie de l'Etat.

M. Avery a demandé la question préalable, laquelle motion a prévalu.

La question étant sur l'adoption du proviso présenté par M. Bullard, M. Pierson a demandé l'appel nominal, lequel constate que

MM. Anderson, Anderson, Akenhead, Bartlett, Besançon, Beard, Boyer, Bullard, Cotton, Campbell, Davidson, Delony, Farmer, Harris, Hargis, Hough, Hodges, Jourdan, Mathews, Moss, Parham, Paxton, Pierce, Pierson, Roysden, Sandidge, Smart, Scarborough, Shelton, Sibley, Simms, Taliafero, Waddill et Wittington.

34 délégués ont voté affirmativement, et

MM. Avery, Andrews, Armant, Addison, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquié, Buisson, Byrne, Castellanos, Carter, Collens, Conrad, Dalferes, Declouet, Dorsey, Dufour, Douglass, Duffell, Edwards, Edwards, Eggleston, Eustis, Gardère, Guion, Hatch, Hayes, Herron, Hernandez, Hunt, Isaacks, Jennings, Jones, Key, King, King, Leefe, Leeds, LeBlanc, Lobdell, McMillen, Mathews, d'Orléans, Marrero, Mongé, Nicholls, Olivier, Olivier, Palfrey, Price, Phillips, Pugh, Reeves, Richardson, Richardson, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, St-Paul, Swazey, Shaw, Smith de Winn, Stewart, Tattman, Talbot, Thibodeaux, Thompson, Todd et Williams.

74 délégués ont voté négativement.

En conséquence, la motion a été perdue et le proviso a été déposé sur le bureau.

Sur motion, le susdit article a été adopté sans amendement.

La Convention a alors passé au 14ème article, conçu ainsi que suit :

Art. 14. Les membres du Sénat seront élus pour le terme de quatre années. Le Sénat assemblé aura le droit d'élire ses officiers tous les deux ans.

M. Jennings a fait la motion de renvoyer la considération du dit article, et de le mettre, ainsi que les articles 15 et 16, à l'ordre du jour pour jeudi le 15 courant

Laquelle motion a été perdue.

Le 14ème article étant toujours devant la Convention, M. Herron a fait la motion d'en effacer les mots "quatre années" et d'y insérer les mots "deux années." Laquelle motion a été rejetée.

M. Hough a alors fait la motion de biffer, à la



fin de l'article, les mots "deux ans." Laquelle motion a été adoptée.

Sur motion de M. King de St Landry, le 14me article est adopté, ainsi amendé.

M. Bullard ayant voté avec la majorité sur la motion d'adopter l'article 12, a fait la motion d'en reconsidérer le vote.

Laquelle motion a été rejetée.

La Convention a ensuite passé à l'article 15.

M. Guion a fait la motion de le référer, ainsi que l'article 16, au comité sur le pouvoir législatif.

Laquelle motion a prévalu.

La Convention a alors passé à l'article 17, qui est ainsi conçu :

Art 17. A la première session de l'assemblée générale, sous l'autorité de cette Constitution, les sénateurs seront divisés au sort aussi également que possible en deux classes ; les sièges des sénateurs de la première classe seront vacants à l'expiration de la seconde année ; ceux des sénateurs de la seconde classe seront à l'expiration de la quatrième année, de telle sorte, que la moitié des sénateurs soit élue tous les deux ans et qu'il y ait ainsi rotation perpétuelle. Lorsque deux ou plus de deux sénateurs seront élus par un District, leurs sièges deviendront vacants respectivement à la fin de deux ans et de quatre ans, et le sort décidera de la durée des fonctions de chacun d'eux.

M. Waddill a fait la motion de le référer au comité sur le pouvoir législatif.

Laquelle motion a été perdue.

Sur motion, le 17me article a été adopté sans amendements.

La Convention a ensuite passé au 18me article de la Constitution, savoir :

Art 18. Nul ne sera sénateur si lors de son élection il n'a été pendant dix années citoyen des Etats-Unis, et s'il n'a atteint l'âge de vingt-sept ans et résidé dans l'Etat pendant les quatre années qui auront immédiatement précédé son élection et pendant la dernière de ces quatre années dans le District dans lequel il pourra être élu.

M. Jennings présente le substitut suivant :

Art 18 Nul ne sera sénateur, si, lors de son élection il n'est citoyen des Etats-Unis, et s'il n'a atteint l'âge de vingt-cinq ans, et résidé dans l'Etat pendant les deux années qui auront immédiatement précédé son élection, et pendant la dernière de ces deux années dans le District dans lequel il pourra être élu.

M. Eustis fait la motion de déposer le substitut sur le bureau, laquelle motion prévaut.

Les délégués dont les noms suivent demandent et obtiennent qu'il leur soit permis de faire enregistrer leurs votes contre la proposition de M. Eustis, de déposer le susdit substitut sur le bureau :

MM. Declouet, Conrad, Connely, Farmer, Tatman, Lobdell, Palfrey, McMillen, Roman, Jennings, Harris et Hargis.

M. Hough fait alors la motion de rejeter l'article entier, laquelle motion prévaut.

La Convention s'occupe alors des articles 19,

20, 21 et 22, qui sont adoptés sans amendements.

Lecture étant faite de l'article 23, savoir :

Art 23. Chaque chambre de l'assemblée générale tiendra et publiera chaque semaine, le journal de ses délibérations, et l'appel nominal des membres sur quelque question que ce soit, sera porté sur le journal à la demande de deux d'entre eux.

M. Jones propose de biffer le mot "deux" et d'insérer le mot "dix".

M. Tatman propose comme substitut, d'effacer les mots "deux d'entre eux" et d'insérer les mots "un cinquième des membres présents."

M. Cotton fait la motion de déposer les deux amendements sur le bureau, laquelle motion prévaut.

Sur motion, le 23me article est adopté sans amendements.

Les articles 24 et 25 étant lus sont, sur motion, adoptés sans amendements.

Lecture étant faite du 26me article, savoir :

Art 26. Les membres de l'assemblée générale recevront individuellement du trésor public, en rémunération de leurs services, la somme de quatre piastres par jour, pendant le temps qu'ils assisteront aux séances de leurs chambres respectives, ou qu'ils s'y rendront ou qu'ils en reviendront. Cette somme pourra être augmentée ou diminuée par la loi, mais aucun changement de cette nature n'aura d'effet pendant la durée des fonctions des membres de la chambre des représentants qui l'auront effectué. Aucune session ne se prolongera au-delà de 60 jours à dater de son ouverture ; et tout acte législatif passé après l'expiration de ces soixante jours sera nul et de nul effet : cette disposition ne s'appliquera point à la session de la première législature qui se réunira après l'adoption de cette Constitution.

M. Jones fait la motion d'effacer tout ce qui suit les mots "qui l'auront effectué", et d'insérer les mots suivants : "mais si aucune session se prolonge au-delà de 60 jours à dater de son ouverture, aucune rémunération ne sera allouée après l'expiration de l'époque fixée".

Sur motion de M. Waddill l'amendement est déposé sur le bureau.

M. Gardère propose d'amender l'article en insérant les mots suivants : "mais la rémunération pour frais de voyage n'excèdera pas la somme d'une piastre par vingt milles".

M. Todd fait la motion de déposer la motion sur le bureau.

M. Gardère demande l'appel nominal qui présente le résultat suivant :

MM. Armant, Bradford, Bienvenu, Brother, Boudousquié, Boyer, Byrne, Castellanos, Carter, Collens, Conrad, Dalferes, Dorsey, Dufour, Duffel, Edwards, Eggleston, Farmer, Gardère, Hatch, Herron, Isaacks, Jennings, Jourdan, Leeds, Le Blanc, Mathews, Mathews, Marrero, Moss, Palfrey, Paxton, Pierson, Pugh, Richardson, Richardson, Rixner, Risk, Roman, Roysden, Robinson, Shaw, Scarborough, Simms, Stewart, Taliafero et Thompson, 47 membres votent affirmativement, et



MM. Anderson, de Carroll; Avery, Andrews, Addison, Bartlett, Benjamin, Besançon, Bernard, Bullard, Buisson, Cotton, Connely, Davidson, Deloney, Declouet, Dosson, Eustis, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Hunt, Jones, Key, King, King, Leefe, Lobdell, McIlhenny, McMillen, Monge, Nicholls, Olivier, Olivier, Parham, Price, Reeves, Roselius, Ronquillo, Sandidge, Staës, Smart, Swazey, Shelton, Sibley, Tatman, Talbot, Thibodeaux, Todd, Villeré, Waddill, Williams et Wittington, 56 membres votent négativement.

En conséquence la motion prévaut et l'amendement est déposé sur le bureau.

M. Hough présente le substitut suivant :

"Art 26. Les membres de l'assemblée générale recevront individuellement du trésor public en rémunération de leurs services, telle compensation qui pourra être fixée par la Législature; mais aucun changement de cette nature n'aura d'effet pendant la durée des fonctions des membres de la chambre des représentants qui l'auront effectué".

M. Eustis fait la motion de déposer le substitut sur le bureau, laquelle motion prévaut.

M. Hargis présente alors le substitut suivant à l'article ci-dessus mentionné :

"Art 26. Les membres de l'assemblée générale recevront du trésor public telle compensation qui sera fixée par la loi; mais aucun changement de cette nature n'aura d'effet pendant la durée du terme pour lequel les membres seront élus lors du dit changement. Aucune session ne se prolongera au-delà de 60 jours à dater de son ouverture".

M. Stewart fait la motion de déposer le dit substitut sur le bureau, laquelle motion prévaut.

M. Connely fait alors la motion de biffer toute la dernière clause de l'article, après les mots "nul et de nul effet".

M. Gardère propose comme sous-amendement, d'effacer tout ce qui suit les mots "l'auront effectué".

M. King, de St Landry, fait la motion de déposer les deux amendements sur le bureau, laquelle motion prévaut.

M. Richardson, de Ste Marie, fait la motion d'effacer "soixante jours" et d'insérer "quarante jours", laquelle motion est repoussée.

M. Hough propose d'amender en biffant les mots soixante jours" et insérant les mots cinquante jours".

M. Connely demande la question préalable, qui prévaut.

La question étant donc sur la proposition de M. Hough, le président la met aux voix et elle est décidée négativement, en conséquence la motion est rejetée.

Sur motion le 26me article est adopté sans amendements.

L'article 27me étant lu, est sur motion adopté sans amendements.

La Convention s'occupe ensuite de l'article 28 de la Constitution, ainsi conçu :

Art 28. Aucun sénateur ni aucun représen-

tant ne pourra, pendant le temps pour lequel il aura été élu, ni pendant l'année qui suivra, être nommé ou élu à aucune place civile ou salariée sous l'autorité de cet Etat, qui aurait été créée ou dont les émoluments auraient été augmentés pendant que ce sénateur ou ce représentant était en fonctions, à l'exception des places ou des nominations qui pourront être remplies par les suffrages du peuple.

M. Eustis fait la motion de biffer l'article entier, laquelle motion est rejetée.

Sur motion, l'article susdit est adopté sans amendements.

L'article 29 étant lu, savoir :

Art 29. Nul ne pourra être élu membre de l'assemblée générale tant qu'il exercera les fonctions d'ecclésiastique, de prêtre ou de ministre d'une croyance, d'une société ou d'une secte religieuse.

M. Guion propose de rejeter tout l'article, sur laquelle motion M. Richardson, de Ste Marie, demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St Landry; Bartlett, Brother, Byrne, Castellanos, Campbell, Connely, Conrad, Declouet, Eggleston, McIlhenny, Matthews, d'Orléans; Monge, Olivier, de Ste Marie; Rixner, Risk, Roselius, Ronquillo, Robinson, Staës et Thibodeaux, 21 délégués votent négativement, et

MM. Anderson, de Carroll; Avery, Andrews, Armant, Addison, Bradford, Benjamin, Besançon, Bernard, Bienvenu, Boudousquié, Boyer, Bullard, Buisson, Carter, Collens, Cotton, Davidson, Deloney, Dorsey, Dosson, Douglass, Duffour, Duffel, Edwards, Edwards, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King, King, Leefe, Leeds, Le Blanc, Lobdell, McMillen, Matthews, de Pointe-Coupée; Marrero, Moss, Nicholls, Olivier, de St Martin; Parham, Palfrey, Paxton, Price, Pierce, Pierson, Pugh, Reeves, Richardson, Richardson, Roman, Roysden, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Smith, de Winn; Sibley, Simms, Stewart, Tatman, Talbot, Taliaferro, Thompson, Todd, Villeré, Waddill, Williams et Wittington, 87 délégués votent affirmativement.

En conséquence la motion prévaut et le 29me article est rejeté.

La Convention s'occupe alors de l'article 30 dont lecture est faite, savoir :

"Tout individu qui aura été à une époque quelconque percepteur des taxes, ou aura été de toute autre manière dépositaire des deniers publics sera inéligible à l'Assemblée Générale, et ne pourra être nommé à aucune place salariée ou de confiance, sous l'autorité du gouvernement de cet Etat, tant qu'il n'aura pas obtenu quittance pour le montant de sa perception ou pour tous les deniers publics qui pourraient lui avoir été confiés."

Sur motion de M. Connely les mots suivants sont insérés après le mot "taxes" "d'Etat, de paroisses ou de Corporation".



Sur motion l'article est adopté ainsi amendé.

La Convention ayant passé à l'article 31, il est adopté sans amendements.

La Convention s'occupe alors de l'article 32, ainsi conçu :

Art 32. Tous les bills ayant pour objet la levée des revenus prendront naissance dans la Chambre des Représentants, mais le Sénat pourra y faire des amendements comme aux autres bills ; *bien entendu* que le Sénat ne pourra, sous prétexte d'amendement, faire entrer dans ces bills aucune disposition étrangère à la levée des revenus.

M. Herron fait la motion de rejeter l'article entier, laquelle motion est perdue.

Sur motion l'article est adopté sans amendements.

L'article 33 étant en discussion devant la Convention, est, sur motion, adopté sans amendement.

Lecture étant faite de l'article 34, savoir :

Art 34. Une majorité de tous les membres élus au Sénat, sera nécessaire pour la confirmation ou le rejet des fonctionnaires qui devront être nommés par le Gouverneur, avec l'avis et le consentement du Sénat, et le Sénat, en décidant sur ces nominations, votera par OUI et par NON ; et les noms des Sénateurs qui voteront pour et contre les nominations respectivement, seront inscrits sur le journal tenu à cet effet et rendu public à la fin de chaque session ou avant.

M. Benjamin fait la motion de biffer les mots "ou le rejet", laquelle motion prévaut.

M. Cotton fait alors la motion de référer l'article au comité sur le pouvoir législatif, laquelle motion est repoussée.

M. Herron fait la motion d'insérer après les mots "par OUI et par NON" les mots "avec portes ouvertes", laquelle motion a été rejetée.

Sur motion, l'article ainsi amendé par M. Benjamin, est adopté.

L'article 35<sup>me</sup> étant lu est, sur motion, adopté.

Le 36<sup>me</sup> article étant lu, savoir :

Art 36. Un trésorier de l'Etat sera élu tous les deux ans par le vote réuni des deux chambres de l'Assemblée Générale. Le Gouverneur aura le pouvoir de nommer à la place de Trésorier s'il arrive qu'elle devienne vacante pendant l'intervalle des sessions de la Législature.

M. Villeré présente le substitut suivant :

Art 36. Un trésorier de l'Etat sera élu tous les deux ans par les électeurs compétents de l'Etat. Le Gouverneur aura le pouvoir de lancer sa proclamation ordonnant une élection en cas de vacance.

Sur motion de M. Benjamin, le susdit substitut est déposé sur le Bureau.

Sur une seconde motion l'article 36 est rejeté en entier.

L'article 37 étant lu est adopté, sur motion, la Convention s'ajourée à lundi 9 heures A. M.

LUNDI, 12 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, Président de la Convention étant absent, M. King de St-Landry est invité à prendre le fauteuil.

Le Révérend M. Chadburn fait l'ouverture des délibérations par des prières.

Cent délégués répondent à l'appel.

M. Hayes demande qu'un congé soit accordé à M. Price, pour cause de maladie. Le congé est accordé.

Sur motion de M. Guion, la Convention accorde un congé à M. Key.

M. Richardson du Ouachita, demande qu'un congé soit accordé à M. Ch. Lemaitre, portier de la Convention, pour cause de maladie dans sa famille. La Convention agréee sa demande.

M. Jennings présente la résolution suivante qui, sur motion, est référée au comité de la franchise électorale :

Résolu que l'Assemblée Générale pourvoiera par une loi à l'enregistrement de tous les électeurs qualifiés résidant dans cet Etat, dans les villes et les villages dont la population blanche est au-dessus de dix mille âmes, et que le dit enregistrement se fera dans les trente jours qui précéderont toute élection générale.

M. Moss ayant voté dans la majorité, sur l'adoption de l'article 34 de la Constitution, en demande la reconsidération.

La reconsidération est accordée et l'article 34 étant devant la Convention,

M. Parham propose d'en effacer le commencement et d'amender le reste de manière qu'il soit ainsi conçu :

Pour la confirmation des officiers qui devront être nommés par le Gouverneur, avec l'avis et le consentement du Sénat, le Sénat votera par OUI et par NON ; et les noms des Sénateurs qui voteront pour et contre les nominations respectivement, seront inscrits sur un journal tenu à cet effet et rendu public à la fin de chaque session ou auparavant.

Sur motion de M. Hunt, l'amendement est adopté et, sur une motion subséquente, l'article est adopté avec les amendements.

M. Simms présente la résolution suivante qui, sur motion, est déposée sur le bureau, sujette à l'appel de la Convention :

Résolu que c'est l'opinion de la Convention que le résultat de ses travaux soit soumis à l'approbation du peuple avant d'être mis en opération.

Et que tous ceux auxquels cette Constitution accordera le droit de suffrage auront le droit de voter sur l'adoption ou le rejet de la dite Constitution ; et que le comité soit requis de préparer et de soumettre une clause à cet effet.

M. Cotton présente la résolution suivante qui est lue et, sur motion, référée au comité de la franchise électorale :

Résolu que, dans toutes les élections par le peuple ou par le Sénat et la Chambre des Représentants, les votes se donneront de vive-voix.

M. Isaacks présente la résolution suivante



qui est lue et référée au comité des dispositions générales :

Résolu que l'article 113 de la Constitution de 1845 soit référée au comité des dispositions générales et que ce comité soit requis de soumettre son rapport à ce sujet, le plus tôt qu'il lui sera possible, après que cet article sera pris en considération par la Convention, dans son ordre régulier.

L'Hon. D. F. Kenner, président de la Convention, se présente et prend le fauteuil.

M. Smart, ayant voté avec la majorité, sur l'adoption de l'article 13 de la Constitution, en demande la reconsidération et demande que l'appel nominal soit pris sur sa motion.

MM. Beard, Bullard, Davidson, Delony, Dosson, Farmer, Harris, Hargis, Hough, Hodges, Jourdan, McMillen, Moss, Parham, Pierson, Pujó, Roysden, Sandidge, Smart, Scarborough, Shelton, Smith de Winn, Sibley, Taliaferro, Todd, Waddill et Wittington, — 27 délégués votent dans l'affirmative.

MM. Anderson, de St-Landry, Anderson, de Carroll, Akenhead, Avery, Andrews, Addison, Bradford, Bartlett, Bernard, Beale, Bienvenu, Boudousquié, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Dalférès, Declouet, Dorsey, Douglass, Dufour, Edwards, Edwards, Eustis, Gardère, Guion, Hatch, Hayes, Herron, Hernandez, Hunt, Isaacks, Jennings, Jones, King, de St-Landry, King, de Jackson, Lapeyre, Leefe, Leeds, Leblanc, Lobdell, Lyle, McIlhenny, Mathews, de Pte-Coupée, Marrero, Martin, Mongé, Nicholls, Olivier, de St-Martin, Palfrey, Paxten, Pierce, Phillips, Reeves, Richardson, Richardson, Roselius, Ronquillo, Robinson, St-Paul, Staës, Swazey Shaw, Simms, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Villeré et Williams, — 76 délégués votent dans la négative. Par conséquent, cette motion est rejetée.

M. Lobdell présente la résolution suivante qui est renvoyée provisoirement conformément aux règlements :

Résolu qu'il soit nommé un comité des terres publiques, composé de ——— membres.

M. Sandidge soumet les articles suivants, qui sont lus et référés au comité des dispositions générales :

Art. — L'Assemblée Générale n'émancipera aucun esclave à moins que ce ne soit en considération de services importants, rendus à l'Etat et l'esclave ainsi émancipé aura le droit de résider dans l'Etat.

Art. — Excepté dans le cas précédent, l'émancipation des esclaves, dans cet Etat, est positivement défendue, à moins que l'esclave affranchi ne soit envoyé hors des Etats-Unis, dans les six mois qui suivront son émancipation ; et si un esclave ainsi émancipé revenait dans l'Etat, il perdrait sa liberté et deviendrait la propriété de l'Etat.

Art. — Toute personne de couleur libre, d'aucune partie du monde, qui entrera dans cet Etat et y résidera, forfeitra sa liberté en faveur de l'Etat. L'Assemblée Générale passera des lois

fixant les conditions qui devront constituer la résidence.

Sur motion de M. Declouet, la Convention ordonne l'impression de cent cinquante exemplaires de ces propositions d'articles.

M. Lyle présente les articles suivants qui sont lus et référés au comité des dispositions générales.

Art. — Aucune personne de couleur libre ne pourra acquérir de biens fonds, soit par succession ou par achat.

Art. — Nul ne pourra émanciper un esclave avant d'avoir pourvu aux moyens nécessaires pour transporter le dit esclave hors de l'Etat.

M. Dalférès fait la motion de mettre l'article 39 à l'ordre du jour pour mercredi, le 14 du courant. Cette motion est rejetée.

M. Guion présente la résolution suivante et demande qu'elle soit référée au comité des dispositions générales :

Résolu que le comité des dispositions générales soit requis de s'enquérir s'il serait nécessaire et urgent d'adopter un article prohibant l'introduction des nègres, comme marchandise, dans cet Etat.

M. Stewart fait la motion de déposer la résolution sur le bureau, et cette motion prévaut.

M. Moss présente la résolution suivante, qui est lue et, sur motion, déposée sur le bureau, sujette à l'appel de la Convention :

Résolu qu'un comité, composé de ——— membres, soit nommé à l'effet d'examiner et de corriger, s'il est nécessaire, le langage et la phraseologie des articles adoptés par la Convention.

M. Delony soumet l'article suivant :

Art. — Le Gouverneur pourra nommer un Conseil Exécutif, composé de trois citoyens de cet Etat, qui agiront comme ses conseillers ; bien entendu qu'il n'en résultera aucun surcroît de dépense pour l'Etat.

Sur motion, cet article est déposé sur le bureau.

## ORDRE DU JOUR.

La Convention procède à la prise en considération du titre suivant de la Constitution.

### TITRE III.

#### DU POUVOIR EXECUTIF.

Art. 38. — Le Pouvoir Exécutif Suprême de cet Etat sera confié à un premier magistrat qui aura le titre de "Gouverneur de l'Etat de la Louisiane." Il occupera sa place pendant le terme de quatre années et, ainsi que le Lieutenant-Gouverneur, dont l'élection se fera pour la même durée, il sera élu de la manière suivante.

Les citoyens ayant le droit de voter pour les Représentants, éliront un Gouverneur et un Lieutenant-Gouverneur aux temps et lieux fixés pour l'élection des Représentants, les rapports de chaque élection seront scellés et transmis par le fonctionnaire ayant qualité légale pour faire ces rapports au Secrétaire d'Etat qui les remettra à l'Orateur de la Chambre des Représentants, et le second jour de la session de l'Assemblée Générale, qui sera tenue le plus prochainement après, les membres de l'Assemblée Générale se



réuniront dans le lieu des séances de la Chambre des Représentants et procéderont à l'examen et à l'énumération des votes. Le candidat qui aura reçu le plus grand nombre de votes pour la place de Gouverneur, sera déclaré d'office élu, mais si deux ou plus de deux candidats ont reçu en nombre égal une majorité relative des votes donnés pour la place de Gouverneur, l'un d'eux sera immédiatement élu Gouverneur par le vote réuni des membres de l'Assemblée Générale. Le candidat qui aura reçu le plus grand nombre de votes pour la place de Lieutenant-Gouverneur, sera Lieutenant-Gouverneur, mais si deux ou plus de deux candidats ont reçu en nombre égal une majorité relative des votes donnés pour la place de Lieutenant-Gouverneur, l'un d'eux sera immédiatement élu Lieutenant-Gouverneur par le vote réuni des membres de l'Assemblée Générale.

M. King, de Jackson, fait la motion d'effacer de l'article ci-dessus les mots "quatre ans" et d'y substituer "deux ans".

M. King, de St-Landry, demande la division de la question, mais la Convention la refuse.

Sur motion, l'article 38 est adopté sans amendement.

L'art. 39 étant lu en ces termes :

Art. 39. — Nul ne sera éligible à la place de Gouverneur ou de Lieutenant-Gouverneur s'il n'a atteint l'âge de trente-cinq ans et s'il n'a été quinze ans citoyen des Etats-Unis et résidé dans l'Etat durant le même laps de temps immédiatement avant son élection.

M. Waddill présente le substitut qui suit :

Tout électeur qualifié de l'Etat sera éligible à la place de gouverneur et de lieutenant gouverneur.

Sur la motion de déposer le substitut sur le bureau, on demande l'appel nominal et

MM. Anderson, Anderson, Akenhead, Avery, Andrews, Bartlett, Bernard, Boudousquié, Bullard, Buisson, Castellanos, Campbell, Connely, Conrad, Declouet, Edwards, Edwards, Farmer, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Jennings, Jones, King, King, Lapeyre, Leefe, Lobdell, Lyle, Mc Ilhenny, Martin, Mongé, Palfrey, Pierce, Richardson de Oua., Sandidge, St-Paul, Staës, Swazey, Sibley, Tatman, Thompson et Williams.

47 délégués votent dans l'affirmative et

MM. Bradford, Beale, Beard, Bienvenu, Byrne, Carter, Cotton, Davidson, Dalferes, Delony, Dorsey, Dosson, Douglass, Dufour, Duffell, Eustis, Hatch, Herron, Hebert, Hodges, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews de Pte Coupée, Marrero, Moss, Nicholls, Olivier de St-Martin, Parham, Paxton, Pierson, Pujo, Pugh, Reeves, Richardson de Ste Marie, Roselius, Roysden, Ronquillo, Robinson, Smart, Shaw, Scarborough, Shelton, Smith de Winn, Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, Villeré, Waddill et Wittington.

57 délégués votent dans la négative.

En conséquence la motion de déposer le substitut sur le bureau est rejetée.

M. Jennings présente l'amendement suivant :

Tout citoyen des Etats-Unis sera éligible à la place de gouverneur ou de lieutenant gouverneur, s'il a atteint l'âge de trente ans, et résidé dans l'Etat pendant cinq années.

M. Eustis fait la motion de déposer l'amendement sur le bureau.

L'appel nominal est demandé par M. Cotton sur la dite motion, et présente le résultat suivant :

MM. Bradford, Beale, Bienvenu, Boudousquié, Boyer, Bullard, Byrne, Carter, Campbell, Cotton, Dalferes, Delony, Dosson, Dufour, Duffell, Edwards d'Orléans, Eustis, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews de Pte Coupée, Moss, Nicholls, Olivier de St-Martin, Parham, Paxton, Patterson, Pierson, Phillips, Pujo, Pugh, Reeves, Richardson de Ste Marie, Roysden, Ronquillo, Smart, Scarborough, Shelton, Smith de Winn, Simms, Stewart, Talbot, Taliafero, Thibodeaux, Villeré, Waddill et Wittington.

53 membres votent dans l'affirmative et

MM. Anderson, Anderson, Akenhead, Addison, Bartlett, Bernard, Beard, Buisson, Castellanos, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards de Washington, Farmer, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, King, Lapeyre, Leefe, Lobdell, Lyle, Mc Ilhenny, Marrero, Martin, Mongé, Palfrey, Pierce, Richardson de Oua., Roselius, Robinson, Sandidge, St-Paul, Staes, Swazey, Shaw, Sibley, Tatman, Thompson, Todd et Williams.

52 membres votent dans la négative.

En conséquence la dite motion prévaut et l'amendement est déposé sur le bureau.

M. Bullard présente alors l'amendement suivant, au susdit substitut :

Tout électeur compétent de cet Etat, sera éligible à la place de gouverneur ou de lieutenant-gouverneur, s'il a atteint l'âge de vingt-cinq ans et résidé pendant cinq années dans l'Etat.

M. Hargis fait la motion de biffer dans l'amendement les mots "vingt-cinq ans" et d'insérer les mots "vingt-sept ans."

Laquelle motion est rejetée

M. Herron fait la motion de déposer l'amendement sur le bureau.

L'appel nominal est demandé et résulte comme suit :

MM. Anderson de St-Landry, Addison, Bradford, Beale, Bienvenu, Boyer, Carter, Cotton, Dalferes, Delony, Dosson, Dufour, Duffell, Edwards d'Orléans, Eustis, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, Mc Millen, Mathews de Pte Coupée, Moss, Nicholls, Parham, Paxton, Pierson, Phillips, Pujo, Pugh, Richardson de Ste-Marie, Roysden, Ronquillo, St-Paul, Staës, Smart, Scarborough, Shelton, Smith de Winn, Simms, Stewart, Talbot, Taliafero, Thibodeaux, Villcré, Waddill et Wittington.

50 membres votent dans l'affirmative et

MM. Akenhead, Avery, Andrews, Anderson de Carroll, Bartlett, Bernard, Beard, Bullard, Buisson, Byrne, Castellanos, Campbell, Connely,



Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards de Washington, Farmer, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, King, Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Marrero, Martin, Mongé, Olivier de St-Martin, Palfrey, Patterson, Pierce, Reeves, Richardson de Oua., Roselius, Robinson, Sandidge, Swazey, Shaw, Sibley, Tatman, Thompson, Todd et Williams.

56 membres votent dans la négative.

En conséquence la motion de déposer sur le bureau est perdue.

M. Guion propose alors de renvoyer la considération du dit article à demain matin.

Cette motion prévaut.

La Convention s'occupe ensuite de l'article 40 de la Constitution, et, sur motion, l'adopte sans amendement.

L'article 41 étant lu, savoir :

Art. 41. Le gouverneur sera inéligible pour les quatre années qui se succéderont après l'expiration du temps pour lequel il aura été élu.

M. Richardson de Ste-Marie fait la motion de biffer tout l'article. Laquelle motion est perdue.

M. Delony fait la motion d'effacer les mots "quatre années" et d'insérer le mot terme." Laquelle motion est perdue.

Sur motion de M. Bullard, l'article susdit est adopté sans amendement.

La Convention passe alors à l'article 42 qui est ainsi conçu :

Art. 42. Aucun membre du Congrès, aucune personne occupant une place sous l'autorité des Etats-Unis, aucun ministre d'une société religieuse ne sera éligible à la place de gouverneur ou de lieutenant-gouverneur.

M. St-Paul fait la motion d'en biffer les mots suivants "aucun ministre d'une société religieuse." Laquelle motion prévaut.

M. Cotton fait la motion d'effacer l'article entier. La motion est perdue.

Et, sur motion, l'article ainsi amendé est adopté.

La Convention s'occupe ensuite des articles 43, 44, 45 et 46, et sur motion les adopte sans amendement.

L'article 47 étant lu, savoir :

Art. 47. Le gouverneur aura le pouvoir d'accorder des sursis pour tous les délits publics, et, hors des cas d'impeachment, il aura le pouvoir, avec l'avis et le consentement du Sénat, d'accorder des pardons et de faire remise des amendes et des confiscations après jugement. Dans les cas de trahison il pourra accorder des sursis jusqu'à la clôture de la session suivante de l'assemblée générale à laquelle appartiendra le droit de pardonner.

M. Palfrey, présente le proviso suivant qui devra être inséré après le mot "jugement."

Bien entendu qu'aucun cautionnement ne sera permis pendant l'application pour pardon ou sursis.

M. Lyle fait la motion de biffer l'article entier.

Pendant la discussion de cette proposition, sur motion, la Convention s'ajourne à demain à neuf heures A. M.

MARDI, 13 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend Mr. Gache, fait l'ouverture des délibérations par des prières.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 104 délégués répondent à l'appel.

Le Président soumet à la Convention la communication suivante de Mr. J. E. Layet, donnant sa démission comme secrétaire de la Convention.

MAISON D'ETAT, Baton Rouge, 13 Juillet, 1852.

*Au Président et aux membres de la Convention de l'Etat de la Louisiane,*

Messieurs—Des affaires importantes et imprévues qui demandent toute mon attention et qui m'obligent à m'absenter pendant long temps du siège du gouvernement, me mettent dans la nécessité de donner ma démission à la place de Secrétaire de la Convention à laquelle vous m'avez fait l'honneur de m'élire.

Permettez moi de vous exprimer mes remerciements sincères pour l'honneur que vous m'avez fait et le regret que j'éprouve d'être obligé de me séparer de vous.

Agréez Messieurs le respect et la considération de votre obéissant serviteur

(Signé) JOHN E. LAYET.

Sur motion de Mr. Price la démission de Mr. Layet est acceptée et Mr. J. B. Walton est nommé candidat pour le remplacer.

Sur motion de Mr. Herron, Mr. Walton est proclamé unanimement élu Secrétaire de la Convention.

Mr. King de St. Landry demande qu'un congé soit accordé à Mr. Anderson de St. Landry et la Convention y consent.

Mr. Tatman présente la résolution suivante :

Résolu que le salaire du Maître de Poste de la Convention soit augmenté de telle sorte qu'il égale celui des Commis-aux-Enregistrements, et que cette augmentation date du jour de sa nomination

Mr. Hargis soumet ce qui suit comme substitut à la susdite résolution :

Résolu que le Maître-de-Poste de la Convention reçoive pour ses services un salaire additionnel de deux piastres par jour.

Sur motion de Mr. Beale, le substitut est déposé sur le bureau.

La proposition originale étant devant la Convention, est, sur motion, adoptée.

Mr. Castellanos présente la résolution suivante qui, sur motion, est déposée sur le bureau :

Résolu qu'en outre des Traducteurs réguliers de la Convention, il soit élu un Traducteur additionnel dont le devoir sera de traduire en français les débats de la Convention.

Résolu que la dite traduction se fera sous la surintendance immédiate du rapporteur.

Résolu que le salaire du dit traducteur sera le même que celui des traducteurs réguliers de la Convention.

Mr. Avery présente la résolution suivante :



Résolu que le comité des dispositions générales soit requis de s'enquérir s'il est urgent et convenable de pourvoir à l'établissement d'un système d'améliorations intérieures et de travaux publics, et de soumettre un rapport à ce sujet.

Mr. Herron propose de déposer cette résolution sur le bureau.

La question étant posée sur cette motion, 42 délégués votent dans l'affirmative et 42 dans la négative. Les voix étant également partagées, le Président vote dans la négative et la motion est rejetée.

Mr. Bullard demande la prise en considération d'une résolution qu'il a présentée le 9 du courant et qui a été déposée sur le bureau sujette à l'appel de la Convention. Il fait cette demande dans le but de présenter la dite résolution comme substitut à celle de Mr. Avery.

Mr. Simms présente alors le substitut qui suit et que Mr. Bullard accepte.

Le substitut est lu en ces termes :

Résolu que le Président nomme un comité composé de——membres, chargé de s'enquérir, s'il est convenable, de pourvoir dans la Constitution à la donation libérale que le congrès a fait à l'Etat des terres inondées dans ses limites.—Et que ce comité soumette un rapport à ce sujet dans le plus bref délai.

Mr. Conrad fait la motion de référer ce sujet au Comité des Dispositions Générales. Cette motion prévaut.

Mr. Carter présente la résolution suivante qui est lue, et sur motion est référée au Comité des Amendements à la Constitution.

Résolu, que toutes les fois que les deux tiers de chaque branche de la législature jugeront nécessaire de faire aucun changement, aucune modification ou aucun amendement à cette constitution, les changements et les amendements proposés seront lus et passés par une majorité des deux tiers de chaque chambre respectivement une fois tous les jours pendant trois jours différens. Le secrétaire d'Etat en donnera alors avis public en les publiant pendant au moins trois mois en français et en anglais dans un journal publié dans chacune paroisse de l'Etat où il se publie un journal ; après quoi les électeurs qualifiés voteront directement pour ou contre les dits changements, les dites modifications et les dits amendements ; et, si la majorité des électeurs qualifiés pour voter pour les membres de la législature votent en faveur des amendements, des modifications et des changements proposés, les dits amendements, &c., seront insérés par la prochaine législature comme partie de cette constitution et pas autrement.

Mr. Cotton soumet la résolution suivante :

Résolu que la législature pourvoiera à l'enregistrement de tous billets et de tous bons émis ou mis en circulation comme numéraire et exigera de bonnes garanties pour la rémission des dits billets en espèces.

Le même délégué propose de référer cette résolution, ainsi que les articles 122, 123, 124 et

125 au Comité des Dispositions Générales. Cette motion ne prévaut pas.

#### ORDRE DU JOUR.

##### *Affaires non-terminées.*

La Convention s'occupe de l'article 47, dont elle n'avait pas encore disposé lors de son dernier ajournement.

Mr. Palfrey ayant retiré le *Proviso* qu'il avait proposé d'ajouter au dit article,

Mr. Richardson de Ste Marie fait la motion d'amender l'article 47 en insérant, après les mots "*avec le consentement*," les mots "*des deux tiers des membres présents*."

Mr. St. Paul présente ce qui suit comme substitut à l'article 47.

Art. 47. Le pouvoir d'accorder des pardons et des sursis et de faire remise des amendes et des forfaitures sera conféré au gouverneur, assisté d'un conseil composé de l'avocat général, du trésorier et de l'auditeur de l'Etat, et ce conseil sera appelé le Comité des Pardons. Aucun pardon ou sursis et aucune rémission d'amende, ou de forfaiture n'aura d'effet à moins qu'il ne soit approuvé par une majorité de ce comité et ratifié par le Sénat.

Sur motion de Mr. Herron, ce substitut est déposé sur le bureau.

Mr. Lapeyre propose de référer l'article au Comité du Département de l'Exécutif. Cette motion est rejetée.

L'amendement de Mr. Richardson de Ste Marie est alors devant la Convention et Mr. Richardson du Ouachita demande qu'elle soit déposée sur le bureau. Cette motion prévaut.

Sur motion de Mr. Smart l'article est adopté sans amendements.

La Convention passe alors à l'article 39 de la constitution, qui a été mis à l'ordre du jour pour aujourd'hui, ainsi que le substitut, l'amendement et le sous-amendement dont il était alors question.

Mr. Connely demande que la Convention s'occupe de la question préalable et sa demande est agréée.

Le sous-amendement proposé par Mr. Jennings et conçu comme suit est à l'ordre et le secrétaire en fait la lecture :

"Nul ne sera éligible à la place de Gouverneur s'il n'a atteint l'âge de 30 ans et s'il n'a résidé dans l'Etat pendant les six années qui auront immédiatement précédé son élection.

Sur la motion d'adopter ce sous-amendement on demande l'appel nominal, et

MM. Akenhead, Avery, Andrews, Anderson de Carroll, Bartlett, Bernard, Beard, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglas, Edwards de Washington, Farmer, Gardere, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King de St. Landry, King de Jackson, Lapeyre, Leece, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Martin, Monge, Palfrey, Pearce, Richardson de Ouachita, Roselius, Staes, Swazey, Shaw, Sibley, Tatman,



Thompson, Williams et Wilcoxon, 51 délégués votent dans l'affirmative et

MM. Addison, Besançon, Bradford, Beale, Bienvenu, Brother, Boyer, Bullard, Byrne, Carter, Cotton, Dalferes, Delony, Dosson, Dufour, Duffel, Edwards d'Orléans, Eggleston, Eustis, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, Le Blanc, Mc. Millen, Mathews de P. C., Marrero, Moss, Nicholls, Olivier de St. Martin, Parham, Paxton, Patterson, Price, Pearson, Phillips, Pujo, Pugh, Reeves, Richardson de Ste Marie, Risk, Roysden, Ronquillo, Sandidge, St. Paul, Smart, Scarborough, Shelton, Smith d'O. Féliciana, Smith de Winn, Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, Van Wickle, Villeré, et Waddill; 63 délégués votent dans la négative.

Par conséquent le sous-amendement est déposé sur le bureau.

La question retombe alors sur la proposition de Mr. Bullard, qui est lue en ces termes :

Tout électeur qualifié de cet Etat, qui aura atteint l'âge de 25 ans et qui aura résidé cinq ans dans l'Etat, sera éligible à la place de Gouverneur et à celle de Lieutenant Gouverneur.

Sur la motion d'adopter cette proposition, on demande l'appel nominal, et

MM. Akenhead, Avery, Andrews, Anderson de Carroll, Bartlett, Bernard, Beard, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dorsey, Douglass, Edwards de Washington, Farmer, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King de St. Landry, King de Jackson, Lapeyre, Leefe, Lobdill, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mongé, Olivier de St. Martin, Palfrey, Patterson, Price, Pearce, Reeves, Richardson du Oua., Roselius, St. Paul, Sandidge, Swazey, Shaw, Sibley, Tatman, Thompson, Williams, et Wilcoxon; 58 délégués votent dans l'affirmative, et

MM. Addison, Bradford, Besançon, Beale, Bienvenu, Brother, Boyer, Carter, Cotton, Dalferes, Davidson, Delony, Dosson, Dufour, Duffel, Edwards d'Orléans, Eggleston, Eustis, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews de P. C., Moss, Nicholls, Parham, Paxton, Pierson, Phillips, Pujo, Pugh, Richardson de Ste Marie, Risk, Roysden, Ronquillo, Robinson, Staes, Smart, Scarborough, Shelton, Smith d'O. Féliciana, Smith de Winn, Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, Van Wickle, Villeré, Waddill, et Whittington; 57 délégués votent dans la négative.

Le Président votant dans la négative, l'amendement de Mr. Bullard est rejeté.

Mr. Davidson qui avait voté dans la majorité sur la motion faite par Mr. Connely, de passer à la question préalable, demande la reconsidération de cette motion, mais la Convention la refuse.

Le substitut de Mr. Waddill est alors à l'ordre et le secrétaire en fait la lecture comme suit :

“ Tout électeur qualifié de cet Etat sera éligible à la place de Gouverneur ou de Lieutenant-Gouverneur. ”

Mr. Simms demande l'adoption de ce substitut, et, sur cette motion, on demande l'appel nominal qui résulte comme suit :

MM. Andrews, Addison, Bradford, Besançon, Beale, Bienvenu, Brother, Boudousquié, Boyer, Carter, Cotton, Dalferès, Delony, Dosson, Dufour, Duffel, Edwards, d'Orléans, Eustis, Gardère, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, LeBlanc, McMillen, Mathews de P. C., Moss, Parham, Paxton, Pierson, Phillips, Pujo, Pugh, Richardson de Ste Marie, Risk, Roysden, Ronquillo, Robinson, St. Paul, Smart, Scarborough, Shelton, Smith d'O. Féliciana, Smith de Winn, Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, Van Wickle, Villeré, Waddillet Whittington; 57 délégués votent dans l'affirmative, et

MM. Akenhead, Avery, Anderson, de Carroll, Bartlett, Bernard, Beard, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards, de Washington; Eggleston, Farmer, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, de St Landry; Leefe, Lapeyre, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans; Marrero, Martin, Monge, Nicholls, Olivier, de St Martin; Palfrey, Patterson, Price, Pierce, Reeves, Richardson, de Ouachita; Roselius, Sandidge, Staës, Swazey, Shaw, Sibley, Tatman, Thompson, Williams et Wilcoxon, 59 délégués votent dans la négative.

En conséquence le substitut est déposé sur le bureau.

M. Carter présente alors le substitut suivant à l'article 39.

Tout électeur qualifié qui aura résidé dans l'Etat pendant les cinq ans qui auront immédiatement précédé son élection, sera éligible à la place de Gouverneur ou de Lieutenant-Gouverneur.

M. Richardson, de Ouachita, présente l'amendement suivant :

“ Tout électeur compétent, s'il a atteint l'âge de trente ans sera éligible à la place de Gouverneur ou de Lieutenant-Gouverneur. ” M. Richardson, de Ste Marie, fait la motion de déposer l'amendement sur le bureau.

L'appel nominal est demandé et présente le résultat suivant :

MM. Akenhead, Avery, Andrews, Anderson, de Carroll; Addison, Bradford, Bartlett, Besançon, Beale, Bienvenu, Brother, Boyer, Byrne, Carter, Collens, Cotton, Dalferes, Deloney, Declouet, Dosson, Dufour, Duffel, Edwards, d'Orléans; Eustis, Farmer, Gardère, Hatch, Hayes; Herron, Hébert, Hernandez, Hunt, Jourdan, King, de St Landry; Leefe, Leeds, Le Blanc, McMillen, Mathews, de Pointe-Coupée; Marrero, Martin, Moss, Monge, Nicholls, Olivier, de St Martin; Parham, Palfrey, Paxton, Price, Pujo, Phillips, Richardson, de Ste Marie; Risk, Roysden, Ronquillo, Robinson, Sandidge, St



Paul, Staës, Smart, Swazey, Scarborough, Shelton, Smith, d'Ouest-Feliciano ; Smith, de Winn ; Simms, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, Van Winkle, Villeré, Waddill, Wittington et Wilcoxon, 78 délégués votent dans l'affirmative, et

MM. Bernard, Beard, Boudousquié, Buisson, Castellanos, Campbell, Connely, Conrad, Davidson, Dorsey, Douglass, Edwards, Eggleston, Guion, Harris, Hargis, Hough, Hodges, Jennings, Jones, King, de Jackson ; Lapeyre, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans ; Pierce, Pierson, Reeves, Richardson, de Ouachita ; Roselius, Shaw, Sibley et Williams, 34 membres votent dans la négative.

En conséquence la motion prévaut, et l'amendement est déposé sur le bureau.

M. Guion présente alors ce qui suit, comme amendement au substitut :

Art 39. " Nul ne sera éligible à la place de Gouverneur ou de Lieutenant-Gouverneur s'il n'a atteint l'âge de vingt-huit ans et résidé dans l'Etat pendant les quatre ans qui précèdent son élection."

M. Carter fait la motion de déposer l'amendement sur le bureau.

L'appel nominal est demandé par M. Guion, et résulte ainsi :

MM. Addison, Bradford, Besançon, Beale, Bienvenu, Brother, Boyer, Byrne, Carter, Cotton, Deloney, Dosson, Dufour, Duffel, Edwards, d'Orléans ; Eustis, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, Le Blanc, McMillen, Mathews, de Pointe-Coupée ; Moss, Nicholls, Olivier, de St Martin ; Parham, Paxton, Paterson, Phillips, Pujo, Pugh, Richardson, de Ste Marie, Roysden, Ronquillo, Robinson, Sandidge, Staës, Smart, Shelton, Smith, d'Ouest-Feliciano ; Smith, de Winn ; Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, Van Wickle, Villeré, Waddill et Wittington, 55 membres votent dans l'affirmative, et

MM. Akenhead, Avery, Andrews, Anderson, de Carroll ; Bartlett, Bernard, Beard, Boudousquié, Bullard, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards, de Washington ; Eggleston, Farmer, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, de St Landry ; King, de Jackson ; Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans ; Marrero, Martin, Monge, Palfrey, Price, Pierce, Reeves, Richardson, de Ouachita ; Roselius, Swazey, Shaw, Sibley, Tatman, Thompson, Williams et Wilcoxon, 56 membres votent dans la négative.

En conséquence la motion de déposer sur le bureau est rejetée.

Sur la motion d'adopter l'amendement, M. Bienvenu demande l'appel nominal, qui présente le résultat suivant :

MM. Akenhead, Avery, Andrews, Anderson, de Carroll ; Bartlett, Bernard, Beard, Boudousquié, Bullard, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards, de Washington ;

Eggleston, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, de St Landry ; Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans ; Marrero, Martin, Monge, Palfrey, Price, Pierce, Pierson, Reeves, Richardson, de Ouachita ; Roselius, Sandidge, Swazey, Shaw, Sibley, Tatman, Thompson, Williams et Wilcoxon, 56 membres votent dans l'affirmative, et

MM. Addison, Bradford, Besançon, Bienvenu, Brother, Boyer, Byrne, Carter, Cotton, Dalferes, Deloney, Dosson, Dufour, Duffel, Edwards, d'Orléans ; Eustis, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, Le Blanc, McMillen, Mathews, de Pointe-Coupée ; Moss, Nicholls, Olivier, de St Martin ; Parham, Paxton, Paterson, Phillips, Pujo, Pugh, Richardson, de Ste Marie ; Risk, Roysden, Ronquillo, Staës, Smart, Shelton, Smith, d'Ouest-Feliciano ; Smith, de Winn ; Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, Van Wickle, Villeré, Waddill et Wittington, 54 délégués votent dans la négative.

En conséquence la motion prévaut et l'amendement est adopté.

M. Herron fait la motion d'effacer dans l'amendement, les mots "vingt-huit".

M. Hayes fait la motion de déposer l'amendement sur le bureau, laquelle motion prévaut.

M. Guion propose alors d'adopter le substitut ainsi amendé.

Pendant la discussion de cette proposition, M. Deloney présente l'amendement suivant qui, sur motion, est déposé sur le bureau :

" Nul ne sera éligible à la place de Gouverneur, s'il n'a acquis une résidence de cinq années, et s'il n'est électeur compétent de cet Etat ; et nul ne sera éligible à la place de Lieutenant-Gouverneur s'il n'est électeur compétent de cet Etat

La question étant sur l'adoption du substitut de M. Carter, amendé par M. Guion,

M. Herron fait la motion d'ajourner, laquelle motion est repoussée.

L'appel nominal est demandé sur l'adoption du substitut amendé, et présente le résultat suivant :

MM. Akenhead, Avery, Andrews, Anderson, de Carroll ; Bartlett, Bernard, Beard, Boudousquié, Bullard, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Davidson, Declouet, Dorsey, Douglass, Edwards, de Washington ; Eggleston, Farmer, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King, de St Landry ; King, de Jackson ; Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Mathews, Marrero, Martin, Monge, Palfrey, Price, Pierce, Pierson, Reeves, Richardson, de Ouachita ; Roselius, Sandidge, St Paul, Staës, Swazey, Shaw, Sibley, Tatman, Thompson, Williams et Wilcoxon, 60 membres votent dans l'affirmative, et

MM. Addison, Bradford, Besançon, Beale, Bienvenu, Brother, Boyer, Byrne, Carter, Cotton, Dalferes, Deloney, Dufour, Duffel, Eustis, Hatch, Herron, Hébert, Hunt, Isaacks, Jourdan, Leeds, Le Blanc, McMillen, Mathews, de Pointe



Coupée ; Moss, Nicholls, Olivier, de St Martin ; Parham, Paxton, Paterson, Phillips, Pujo, Pugh, Richardson de Ste Marie ; Risk, Roysden, Ronquillo, Robinson, Smart, Scarborough, Shelton, Smith, d'Ouest Féliciana ; Smith, de Winn ; Simms, Stewart, Talbot, Taliafero, Thibodeaux, Todd, Van Wickle, Villeré, Waddill et Wittington, 54 délégués votent dans la négative.

En conséquence la motion prévaut et le substitut ainsi amendé est adopté.

La Convention s'occupe alors des articles suivants lesquels étant lus sont adoptés :

Art 48. Le Gouverneur recevra pour ses services, à des époques fixes, un traitement qui ne pourra être ni augmenté ni diminué pendant le temps pour lequel il aura été élu.

Art 49. Le Gouverneur sera commandant en chef de l'armée de terre, de la Marine, ainsi que de la milice de cet Etat, à moins que ces différentes forces militaires ne soient appelées au service des Etats-Unis.

L'article 50 étant lu, savoir :

Art 50 Le Gouverneur désignera, et avec l'avis et le consentement du Sénat, nommera tous les fonctionnaires dont les places sont établies par cette Constitution, et dont le mode de nomination n'est point par elle autrement déterminé. Bien entendu toutefois, que la Législature aura le droit de prescrire le mode de nomination à toutes les autres places qui seront établies par la loi.

M. Sandidge présente le substitut suivant :

“Le Gouverneur désignera, et avec l'avis et le consentement du Sénat, nommera tous les fonctionnaires dont l'élection ou la nomination n'en sera autrement disposée par la Constitution ou par l'Assemblée-Générale.”

Sur motion le substitut est déposé sur le bureau, et sur motion, l'article est adopté sans amendement.

La Convention passe ensuite aux articles suivants, lesquels après avoir subi lecture, sont, sur motion, adoptés :

Art. 51.—Le gouverneur aura le pouvoir de nommer aux places qui pourront devenir vacantes dans l'intervalle des sessions du Sénat, en accordant des commissions qui expireront à la clôture de la session suivante, à moins qu'il n'y soit autrement pourvu par cette Constitution. Mais nulle personne qui aura été désignée pour une place, et dont la nomination aura été rejetée par le Sénat, ne pourra être nommée à la même place durant l'intervalle des sessions du Sénat.

Art. 52.—Le gouverneur pourra exiger des fonctionnaires faisant partie du département de l'exécutif, des renseignements par écrit sur tout objet relatif aux devoirs de leurs places respectives.

Art. 53.—Le gouverneur exposera de temps à autre à l'Assemblée générale la situation de l'Etat, en recommandant à son attention telles mesures qu'il jugera convenables.

Art. 54.—Le gouverneur pourra dans des circonstances extraordinaires, convoquer l'Assemblée générale au siège du gouvernement, ou par-

tout ailleurs si la présence de l'ennemi ou le développement de quelque épidémie le rendait nécessaire ; en cas de dissentiment entre les deux chambres, quant au temps de l'ajournement, il pourra les ajourner, selon qu'il le jugera convenable, pourvu que ce ne soit pas pour un terme excédant quatre mois.

Art 55.—Le gouverneur veillera à ce que les lois soient fidèlement exécutées.

Lecture est faite du 56ème article savoir :

Art. 56.—Tout bill qui aura été passé par les deux chambres, sera présenté au gouverneur ; s'il l'approuve il le signera, s'il ne l'approuve pas il le renverra avec ses objections dans la chambre dans laquelle il aura pris naissance, et cette chambre fera inscrire les objections tout au long sur son journal, et procèdera à un nouvel examen du bill ; si après cet examen, les deux tiers de tous les membres élus à cette même chambre sont d'opinion de passer le bill, il sera envoyé avec les objections à l'autre chambre dans laquelle il subira, de la même manière, un nouvel examen ; et s'il est approuvé par les deux tiers de tous les membres élus à cette autre chambre, il aura force de loi ; mais dans ce cas les votes des deux chambres seront pris par oui et par non, et les noms des membres votant pour ou contre le bill seront inscrits dans le journal de chaque chambre respectivement. S'il arrive qu'un bill ne soit pas renvoyé par le gouverneur dans les dix jours (non compris les dimanches), après qu'il lui aura été présenté, il aura force de loi de la même manière que s'il l'eût signé, à moins que l'ajournement de l'assemblée générale n'en permette pas le renvoi, auquel cas il aura force de loi s'il n'est renvoyé dans les trois premiers jours de la session suivante.

M. Sandidge fait la motion d'insérer après les mots “tout bill,” dans la 1ère ligne, les mots “ordre, résolution ou vote auxquels le concours des deux chambres sera nécessaire excepté sur une motion d'ajournement, ou révision ou amendement de la Constitution.”

M. Beale fait la motion de déposer le susdit amendement sur le bureau. Cette motion prévaut.

M. Castellanos fait la motion de biffer dans l'article le mot “dix” et d'insérer le mot “cinq.”

M. Connely fait la motion d'effacer les mots “deux tiers,” et d'insérer à leur place le mot “majorité.”

Sur motion les deux amendements sont déposés sur le bureau.

Et sur motion le 56ème article est adopté sans amendement.

La Convention s'occupe alors des articles suivants qui sont lus, et sur motion adoptés.

Art. 57.—Tout ordre, toute résolution et tout vote requérant le concours des deux Chambres (les questions d'ajournement exceptées), seront présentés au Gouverneur, et avant qu'ils puissent avoir effet, ils devront être approuvés par lui, ou, en cas qu'il les désapprouve, ils devront être passés de nouveau par les deux tiers des membres élus des deux Chambres.

Art. 58.— Il y aura un secrétaire d'Etat qui



occupera sa place pendant le temps pour lequel le Gouverneur aura été élu. Les Archives de l'Etat seront gardées et conservées dans le bureau du secrétaire. Il tiendra un registre fidèle des actes et des travaux officiels du Gouverneur et les certifiera quand besoin sera. Toutes les fois qu'il en sera requis, il devra mettre à la disposition de chacune des Chambres de l'Assemblée Générale, le dit registre et toutes les pièces justificatives, toutes les minutes et tous les papiers relatifs à sa place, et il remplira en outre tous les autres devoirs qui lui seront imposés par la loi.

Art. 59.—Toutes les commissions seront exécutées au nom et par autorité de l'Etat de la Louisiane, et seront scellées du sceau de l'Etat et signées par le Gouverneur.

Art. 60.—Les hommes libres et blancs de cet Etat seront armés et disciplinés pour sa défense, mais ceux qui appartiennent à des sociétés religieuses, dont les principes leur défendent de porter les armes, n'y seront pas contraints, et paieront l'équivalent de leur service personnel.

Art. 61.—La milice de cet Etat sera organisée de la manière qui paraîtra, par la suite, la plus convenable à la Législature.

Sur motion, la Convention s'ajourne à demain matin à 9 heures.

#### MERCREDI, 14 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. Harmond fait l'ouverture des délibérations par des prières.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 95 délégués répondent à l'appel.

M. Conrad présente la résolution suivante, qui est adoptée :

Résolu que l'usage de la rotonde, au Capitol, et des chambres des comités qui ne seront pas occupées, soit permis aux dames de l'Eglise Episcopaliennne de cette ville, pour y donner, mercredi prochain, une soirée au bénéfice de leur Eglise.

M. Farmer propose de prendre en considération le rapport du comité, auquel avait été référé le salaire des divers officiers de la Convention, lequel rapport a été présenté le 10 du courant, et mis à l'ordre du jour pour lundi dernier. Cette motion prévaut.

Le rapport étant devant la Convention, M. Sandidge soumet le substitut qui suit :

Résolu que l'imprimeur de la Convention soit requis d'exécuter tous les ouvrages qui pourraient lui être ordonnés de la manière prescrite par la loi de 1847, relative aux impressions publiques, et qu'il lui soit alloué la même compensation que celle qui est fixée par le dit acte, plus 25 pour cent.

M. Risk fait la motion de déposer le substitut

sur le bureau et demande l'appel nominal sur cette motion.

MM. Akenhead, Anderson de Carroll, Bradford, Besançon, Avery, Armant, Bartlett, Bernard, Beard, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Conrad, Davidson, Delony, Declouet, Dorsey, Douglass, Dufour, Dugué, Duffel, Edwards d'Orléans, Edwards de Washington, Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Herron, Hébert, Hernandez, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, King, de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans, Marrero, Martin, Moss, Mongé, Nicholls, Olivier de Sainte-Marie, Parham, Palfrey, Patterson, Preaux, Price, Pierson, Phillips, Pujo, Reeves, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Staës, Swazey, Shaw, Scarborough, Smith d'O. Féliciana, Smith de Winn, Sibley, Tatman, Talbot, Thibodeaux, Thompson, Todd, VanWickle, Villeré, Williams et Wittington, — 93 membres votent dans l'affirmative; et

MM. Cotton, Dalferes, Dosson, Harris, Hargis, Hough, King de Jackson, LeBlanc, McMillen, Mathews de Pte Coupée, Pierce, Pugh, Richardson, Sandidge, Shelton, Stewart, Taliafero et Waddill, — 18 membres votent dans la négative.

Par conséquent, le substitut est déposé sur le bureau et, sur motion de M. Hayes, le rapport est adopté.

Sur motion de M. Herron, un congé est accordé à M. Beale, pour cause de maladie.

M. Parham demande la prise en considération de l'article 8 de la Constitution, qui avait été mis à l'ordre du jour pour jeudi, et propose de le référer au comité du département législatif et de requérir ce comité de faire son rapport demain. — Cette motion prévaut.

#### ORDRE DU JOUR.

La Convention s'occupe du titre IV de la Constitution ainsi conçu, savoir :

##### TITRE IV.

##### *Du Pouvoir Judiciaire.*

Art. 62. Le Pouvoir Judiciaire sera confié à une Cour Suprême, à des Cours de District et à des Justices de Paix.

Art. 63. La Cour Suprême, sauf les cas ci-après spécifiés, exercera une juridiction d'appel seulement, laquelle juridiction embrassera toutes les affaires dans lesquelles la valeur de l'objet en litige excèdera la somme de trois cents piastres; toutes les affaires dans lesquelles la constitutionnalité ou la légalité d'une taxe, d'un péage ou d'un impôt, quelqu'en soit l'espèce ou la nature, sera mise en question, cette juridiction embrassera également toutes les amendes, confiscation et peines infligées par les Corporations municipales, et dans les affaires criminelles; elle s'étendra aux questions de droit seulement, toutes les fois que la peine infligée sera la mort ou les travaux de force, ou lorsque l'amende im-



posée excèdera la somme de trois cents piastres.

Art. 64. La Cour Suprême se composera d'un juge-président et de trois juges-associés, dont la majorité constituera un "quorum". Le juge-président recevra un salaire de six mille piastres et et chacun des juges-associés un salaire de cinq mille cinq cents piastres par an. La Cour Suprême nommera ses greffiers. Les juges de la Cour Suprême seront nommés pour le terme de huit années.

Art. 65. Lorsque les premières nominations seront faites sous l'autorité de cette Constitution, le juge-président sera nommé pour huit années, l'un des juges-associés pour six années, un autre pour quatre années, et un troisième pour deux années, et en cas de mort, de démission ou de destitution de l'un des dit juges avant l'expiration du terme pour lequel il anra été nommé, son successeur sera nommé seulement pour le reste de ce terme, de telle sorte que le terme de service de deux des juges n'expire pas en même temps.

Art. 66. La Cour Suprême tiendra ses sessions à la Nouvelle-Orléans depuis le premier lundi du mois de novembre jusqu'à la fin du mois de juin inclusivement. La Législature aura le pouvoir de fixer les sessions de la Cour Suprême partout ailleurs pour le reste de l'année. Jusqu'à ce qu'il y soit autrement pourvu, ces sessions seront tenues comme par le passé.

Art. 67. La Cour Suprême et chacun des juges de cette Cour, auront le pouvoir d'émettre des mandats "d'habeas corpus" à la requête de toutes personnes en état d'arrestation par suite de procédures judiciaires dans tous les cas où la Cour aura juridiction d'appel.

Art. 68. Dans toutes les affaires dans lesquelles les juges seront également divisés d'opinion, le jugement dont il aura été fait appel sera maintenu ; et dans ce cas, chacun des juges donnera séparément son opinion par écrit.

Art. 69. Tout juge sera, en vertu de sa place, conservateur de la paix dans tout l'Etat. Tous les ordres ou mandats judiciaires auront pour titre : "l'Etat de la Louisiane". Toutes les poursuites criminelles seront conduites "au nom et par l'autorité de l'Etat de la Louisiane", et seront terminées par cette formule : "en violation de la paix et de la dignité de l'Etat".

Art. 70. Les juges de toutes les Cours de cet Etat, devront aussi souvent que faire se pourra, dans tout jugement définitif, se référer à la loi particulière en vertu de laquelle le jugement sera rendu ; et dans tous les cas ils devront déduire les motifs sur lesquels sera basé leur jugement.

Art. 71. Aucune Cour ni aucun juge ne pourra faire aucune allocation à titre d'honoraires ou de rémunération dans aucun procès ou procédure, excepté pour le paiement des honoraires qui pourront être établis par la loi en faveur d'officiers ministériels.

Art. 72. Il ne sera jamais dévolu par la loi, à la Cour Suprême, ou aux Cours de District, ou aux juges des dites Cours, aucune fonction ou attribution qui ne serait pas d'une nature judi-

ciaire, et les dits juges ne pourront recevoir ni honoraire d'office, ni rémunération autre que le traitement qui leur sera alloué pour l'accomplissement des devoirs de leurs places.

Art. 73. Les juges de toutes les Cours pourront être poursuivis par voie "d'impeachment," mais pour toute cause raisonnable, qui ne serait pas assez grave pour justifier ce mode de poursuite, ils pourront être destitués par le gouverneur, à la demande des trois-quarts des membres présents de chaque branche de l'Assemblée Générale ; la cause pour laquelle la destitution pourra être demandée, sera mentionnée tout au long dans la demande et portée sur le journal de chaque Chambre.

Art. 74. Il y aura pour l'Etat, un avocat-général et autant d'avocat de District qu'il sera jugé nécessaire d'en nommer par la suite. Ils seront nommés pour deux ans et leurs devoirs seront déterminés par la loi.

Art. 75. La première Législature qui se réunira sous l'autorité de cette Constitution, divisera l'Etat en districts judiciaires qui ne pourront être changés pendant six années, mais pourront être soumis à une réorganisation à l'expiration de chaque sixième année ensuite. — Le nombre de district ne sera ni au-dessous de douze ni au-dessus de vingt. — Il sera nommé pour chaque district un juge versé dans la loi, mais pour les districts dans lesquels se trouveront situées les ville de la Nouvelle-Orléans et de Lafayette, la Législature pourra établir autant de Cours de District que l'intérêt public pourra en requérir.

Art. 76. Chaque juge de district recevra un traitement qui sera fixé par la loi et qui ne pourra être ni augmenté ni diminué pendant la durée de ses fonctions ; lequel traitement ne sera jamais au-dessous de la somme de deux mille cinq cents piastres par an. Il devra être citoyen des Etats-Unis, être âgé de plus de trente ans, avoir résidé dans l'Etat durant les six années qui auront précédé sa nomination, et avoir exercé la profession d'avocat pendant l'espace de cinq années.

Art. 77. Les juges des Cours de District resteront en fonction pendant le terme de six années. A la première nomination qui en sera faite, ils seront divisés par le sort en trois classes, d'une manière aussi égale que possible, et la durée des fonctions des juges de la première classe expirera à la fin de la deuxième année, celle de la seconde classe à la fin de la quatrième année, et celle de la troisième classe à la fin de la sixième année.

Art. 78. Les Cours de district exerceront une juridiction de première instance dans toutes affaires civiles lorsque la valeur de l'objet en litige excèdera la somme de cinquante piastres, intérêts non-compris ; dans toutes les affaires criminelles ou de succession leur juridiction sera sans limite.

Art. 79. La Législature aura le pouvoir d'autoriser les greffiers à émettre certains ordres et à faire certains actes, selon qu'elle le jugera nécessaire, pour la bonne administration de la jus-



tice, et dans tous les cas, les pouvoirs ainsi accordés seront spécifiés et déterminés.

Art. 80. Les greffiers des diverses Cours pouront être destitués pour inconduite par les juges des dites Cours, mais dans tous les cas, ils pouront se pourvoir par appel devant la Cour Suprême.

Art. 81. La juridiction des Juges de Paix n'excèdera jamais, dans les affaires civiles, la somme de cent piastres, intérêts non compris; et appel pourra être fait de leurs décisions devant la Cour de District dans les cas où il y sera pourvu par la loi. Ils seront élus par les électeurs ayant qualité pour voter, dans chaque paroisse, pour le terme de deux années, et ils exerceront telle juridiction qui leur sera attribuée par la loi.

Art. 82. Les greffiers des Cours de District, dans cet Etat, seront élus pour le terme de quatre années, par les électeurs ayant qualité pour voter, dans chaque paroisse, et lorsqu'une place de greffier deviendra vacante subséquemment à une élection, elle sera remplie par une nomination faite par le juge de la Cour dans laquelle la place sera vacante, et la personne ainsi nommée conservera sa place jusqu'à l'élection générale suivante.

Art. 83. Il sera élu dans chaque paroisse, par les électeurs ayant le droit de voter dans la dite paroisse, un Shérif et un Coroner, qui occuperont leurs places pendant le terme de deux années, à moins qu'ils ne soient destitués auparavant. Lorsqu'une place de shérif ou de coroner deviendra vacante subséquemment à une élection, elle sera remplie par une nomination faite par le Gouverneur, et la personne ainsi nommée conservera sa place jusqu'à ce que son successeur soit élu et qu'il ait pris qualité.

M. Hunt de la part du comité du département du judiciaire, soumet le rapport suivant et propose de le substituer aux articles ci-dessus composant le titre 4 de la Constitution.

Le comité du judiciaire, auquel avait été référé le titre 4 de la Constitution de l'Etat et une résolution le requérant de faire un rapport concernant la nécessité d'amender certains articles de ce titre, a l'honneur de représenter

Qu'il a pris ce sujet en considération et qu'il recommande unanimement l'adoption du titre et des articles qui suivent comme substitut au titre et aux articles du département du judiciaire de la Constitution.

(Signé) R. HUNT, Rapporteur.

#### TITRE IV.

##### *Du Pouvoir Judiciaire.*

Art. 62. Le pouvoir judiciaire sera confié à une Cour Suprême, à telles Cours inférieures que la Législature pourrait de temps en temps ordonner et établir et à des justices de paix.

Art. 63. La Cour Suprême, sauf les cas ci-après spécifiés, exercera une juridiction d'appel seulement, laquelle juridiction embrassera toutes les affaires dans lesquelles la valeur de l'objet en litige excèdera la somme de trois cents piastres, toutes affaires dans lesquelles la constitutionnalité ou la légalité d'une taxe, d'un péage ou d'un

impôt, quelqu'en soit l'espèce ou la nature, sera mise en question, cette juridiction embrassera également toutes les amendes, confiscations et peines infligées par les corporations municipales, et dans les affaires criminelles, elles s'étendra aux questions de droit seulement toutes les fois que la peine infligée sera la mort ou les travaux de force, ou lorsque l'amende imposée excèdera la somme de trois cents piastres. La législature pourra restreindre la juridiction de la Cour Suprême en matière civile, aux questions de droit seulement.

Art. 64. La Cour Suprême se composera d'un juge président et de quatre juges associés dont la majorité constituera un quorum. Le juge président recevra un salaire de six mille piastres par an et chacun des juges associés un salaire de cinq mille cinq cents piastres par an jusqu'à ce que la loi en pourvoie autrement. La Cour Suprême nommera ses greffiers. Les juges de la Cour Suprême seront élus pour le terme de dix années.

Art. 65. Le juge président sera nommé par les électeurs de l'Etat. La Législature divisera l'Etat en quatre districts et les électeurs de chaque district éliront un des juges associés jusqu'à ce que la Législature en ordonne autrement. L'Etat sera divisé en quatre districts comme suit, savoir :

Le 1er district, le 2me district, le 3me district et le 4me district.

Art. 66. La place d'un des juges associés deviendra vacante à l'expiration de la seconde année, celle d'un autre à l'expiration de la quatrième année, celle d'un troisième à l'expiration de la sixième année et celle du quatrième à l'expiration de la huitième année. De telle sorte qu'un des juges de la Cour Suprême sera élu tous les deux ans.

Art. 67. Dès qu'il recevra les retours officiels de la première élection, le secrétaire d'Etat procédera immédiatement, en présence et avec le concours de deux juges de paix, à tirer au sort parmi les quatre candidats qui auront reçu le plus grand nombre de voix dans leurs districts respectifs, celui des juges associés qui servira pendant deux ans, celui qui servira pendant quatre ans, celui qui servira pendant six ans et celui qui servira pendant huit ans. Le gouverneur les commissionnera en conséquence.

Art. 68. Lorsque la place d'un des juges de la Cour Suprême deviendra vacante soit pour cause de démission ou pour d'autres causes, elle sera remplie par une élection; bien entendu que si le terme non expiré n'excède pas un an, la vacance sera remplie par le gouverneur.

Art. 69. La Cour Suprême tiendra ses sessions à la Nouvelle-Orléans, depuis le premier lundi de novembre jusqu'à la fin du mois de juin inclusivement. La Législature aura le pouvoir de fixer les sessions de la Cour Suprême partout ailleurs pour le reste de l'année jusqu'à ce qu'il y soit autrement pourvu. Ces sessions seront tenues comme par le passé.

Art. 70. La Cour Suprême et chacun des juges de cette Cour, auront le pouvoir d'émettre



des mandats d'habeas corpus à la requête de toutes personnes en état d'arrestation par suite de procédures judiciaires dans tous les cas où la Cour aura juridiction d'appel.

Art. 71. Aucun jugement ne sera rendu par la cour suprême sans le concours d'une majorité des juges composant cette cour. Lorsque à cause de la récusation d'aucun des juges de la Cour, les autres juges seront également divisés, ceux d'entre eux qui ne seront pas récusés auront le droit de requérir aucun des juges de Cours inférieures pour siéger à la place du juge récusé et assister au jugement de l'affaire.

Art. 72. Tout juge sera, en vertu de sa place, conservateur de la paix dans tout l'Etat. Tous les ordres ou mandats judiciaires auront pour titre : "l'Etat de la Louisiane." Toutes les poursuites criminelles seront conduites "au nom et par l'autorité de l'Etat de la Louisiane," et seront terminées par cette formule : "en violation de la paix et de la dignité de l'Etat."

Art. 73. Les juges de toutes les cours de cet Etat devront aussi souvent que possible, dans tout jugement définitif, se référer à la loi en vertu de laquelle le jugement sera rendu et dans tous les cas ils devront déduire les motifs sur lesquels sera basé leur jugement.

Art. 74. Les juges de toutes les Cours pourront être poursuivis par voie d'impeachment, mais pour toute cause raisonnable qui ne serait pas assez grave pour justifier ce mode de poursuite, ils pourront être destitués par le gouverneur à la demande des trois quarts des membres présents de chaque branche de l'assemblée générale, la cause pour laquelle la destitution pourra être demandée, sera mentionnée tout au long dans la demande et portée sur le journal de chaque chambre.

Art. 75. Il y aura pour l'Etat, un avocat-général et autant d'avocats de district qu'il sera jugé nécessaire d'en nommer par la suite. Ils seront nommés pour quatre ans et leurs devoirs seront déterminés par la loi.

Art. 76. Les juges de la Cour Suprême et des Cours inférieures recevront à époques fixes un salaire qui ne sera pas diminué pendant leur terme d'office, et les dits juges ne pourront recevoir ni honoraire d'office, ni rémunération autre que le traitement qui leur sera alloué pour l'accomplissement de leurs devoirs.

Art. 77. La Législature aura le pouvoir d'autoriser les greffiers à émettre certains ordres et à faire certains actes selon qu'elle le jugera nécessaire pour la bonne administration de la justice, et dans tous les cas les pouvoirs ainsi accordés seront spécifiés et déterminés.

Art. 78. Les greffiers des diverses Cours pourront être destitués pour inconduite par les juges des dites Cours, mais dans tous les cas ils pourront se pourvoir par appel devant la Cour Suprême.

Art. 79. La juridiction des juges de paix n'excèdera jamais dans les affaires civiles la somme de cent piastres, intérêts non compris, et appel pourra être fait de leur décision devant la Cour de district dans les cas où il y sera pourvu

par la loi. Ils seront élus par les électeurs ayant qualité pour voter dans chaque paroisse pour le terme de deux années, et ils exerceront telle juridiction qui leur sera attribuée par la loi.

Art. 80. Les greffiers des Cours de District dans cet Etat seront élus pour le terme de quatre années par les électeurs ayant qualité de voter dans chaque paroisse, et lorsqu'une place de greffier deviendra vacante subséquemment à une élection, elle sera remplie par une nomination faite par le juge de la Cour dans laquelle la place sera vacante, et la personne ainsi nommée conservera sa place jusqu'à l'élection générale suivante.

Art. 81. Il sera élu dans chaque paroisse par les électeurs ayant le droit de voter dans la dite paroisse, un shérif et un coroner qui occuperont leurs places pendant un terme de deux années, à moins qu'ils ne soient destitués auparavant. Lorsqu'une place de shérif ou de coroner deviendra vacante subséquemment à une élection, elle sera remplie par une nomination faite par le gouverneur, et la personne ainsi nommée conservera sa place jusqu'à ce que son successeur soit élu et qu'il ait pris qualité.

Sur motion de M. Hunt ce rapport est mis à l'ordre du jour pour mardi 20 courant et sur motion de M. Cotton, la Convention ordonne l'impression de trois cents exemplaires de ce rapport pour l'usage de la Convention.

La Convention prend en considération le titre 5 de la Constitution qui est ainsi conçu :

#### TITRE V.

##### *De la poursuite par voie d'impeachment.*

Art. 84. La Chambre des Représentants exercera le droit de poursuite par voie d'impeachment.

Sur motion, cet article est adopté sans amendement.

L'article 85 est lu en ces termes :

Art. 85. Toute poursuite par voie d'impeachment intentée contre le gouverneur, le lieutenant-gouverneur, le secrétaire d'Etat, le trésorier d'Etat et les juges des Cours de District, sera jugée par le Sénat. Le juge-président ou le plus ancien juge de la Cour Suprême aura la présidence pendant le jugement des poursuites par voie d'impeachment.—Les poursuites par voie d'impeachment intentées contre les juges de la Cour Suprême seront jugées par le Sénat.—Lorsque les sénateurs siégeront comme cour d'impeachment, ils prêteront serment ou affirmation, et nul ne sera déclaré coupable sans le concours des deux tiers des sénateurs présents.

M. Herron fait la motion d'effacer les mots "juges des Cours de District" et d'y substituer les mots "juges des Cours inférieures excepté juges de paix."

Cette motion prévaut.

M. Bienvenu fait la motion d'effacer à la fin de l'article, le mot "présents" et d'y substituer "élus." Cette motion est rejetée.

M. Herron propose d'effacer "des poursuites par voie d'impeachment" et d'y substituer "des poursuites d'impeachment contre le gouverneur."



Sur motion de M. King de St-Landry, cet amendement est déposé sur le bureau.

M. Be-a-n-çon fait la motion d'insérer après le mot "trésorier" les mots "l'auditeur."

M. Richardson de Oua., propose de déposer cet amendement sur le bureau et cette motion prévaut.

Sur motion, l'article 85 est adopté avec les amendements.

La Convention passe alors aux articles suivants qu'elle adopte respectivement.

Art. 80. Dans les cas de poursuite par voie d'impeachment, les jugements ne s'étendront qu'à la destitution d'office et à l'incapacité à occuper une place honorifique, salariée ou de confiance, sous l'autorité de cet Etat ; mais les parties déclarées coupables n'en seront pas moins sujettes à être accusées, jugées et punies conformément à la loi.

Art. 87. Tous les fonctionnaires contre lesquels il sera proféré des articles d'impeachment seront suspendus de l'exercice de leurs fonctions pendant la litispendance de l'impeachment. Le pouvoir exerçant le droit de nomination pourra faire la nomination provisoire d'un fonctionnaire qui remplacera le fonctionnaire suspendu jusqu'à ce que la question d'impeachment soit décidée.

Art. 88. La Législature devra pourvoir par la loi à la punition et à la destitution d'office de tous les autres officiers de l'Etat par acte d'accusation ou autrement.

La Convention s'occupe alors du titre 6 de la Constitution qui est lu en ces termes :

#### TITRE VI.

##### *Dispositions Générales*

Art. 89. Les membres de l'assemblée générale et tous les fonctionnaires publics prêteront, avant d'entrer dans l'exercice de leurs fonctions, le serment ou l'affirmation qui suit : "Je (A. B.) jure ou affirme solennellement que je remplirai fidèlement, impartialement et de mon mieux, d'après mes facultés et mon jugement, les devoirs qui me seront imposés en qualité de—, conformément aux règles et aux dispositions de la Constitution et des lois des Etats-Unis et de cet Etat ; et, en outre, je jure (ou affirme) solennellement que depuis l'adoption de la présente Constitution, moi, citoyen des Etats-Unis, je ne me suis point battu en duel dans cet Etat ni hors de cet Etat, avec un citoyen de cet Etat, et que je n'ai envoyé ni accepté aucun cartel pour me battre en duel avec un citoyen de cet Etat, ni agi comme second en portant un cartel, ni aidé, conseillé ou assisté qui que ce soit à l'occasion d'un duel. Ainsi, Dieu me soit en aide !

M. Preaux présente ce qui suit comme substitut à l'article ci-dessus :

Art. 89. Les membres de l'assemblée générale et tous les fonctionnaires publics prêteront, avant d'entrer dans l'exercice de leurs fonctions, le serment ou l'affirmation qui suit : "Je (A. B.) jure ou affirme solennellement que je remplirai fidèlement, impartialement et de mon mieux, d'après mes facultés et mon jugement, les devoirs qui me seront imposés en qualité de—,

conformément aux règles et aux dispositions de la Constitution et des lois des Etats-Unis et de cet Etat ; et en outre je jure ou affirme solennellement que depuis l'adoption de la présente Constitution, moi, citoyen des Etats-Unis je ne me suis point battu en duel dans cet Etat ni hors de cet Etat avec un citoyen de cet Etat, et que je n'ai envoyé ni accepté aucun cartel pour me battre en duel avec un citoyen de cet Etat, ni agi comme second en portant un cartel, ni aidé, conseillé ou assisté qui que ce soit à l'occasion d'un duel, et en outre je jure solennellement que je n'ai jamais sciemment provoqué aucun de mes concitoyens à m'envoyer un cartel, soit en le frappant, soit en l'insultant gravement lui, sa mère, sa sœur, son épouse ou son enfant, soit par aucun autre acte susceptible de provoquer un duel. Ainsi, que Dieu me soit en aide !

M. Hayes propose de renvoyer la plus ample considération de cet article et du substitut jusqu'à ce que l'article 130 vienne devant la Convention dans son ordre numérique, afin de discuter les deux articles en même temps. Cette motion prévaut.

L'article suivant étant à l'ordre est lu et adopté :

Art. 90. Le crime de trahison envers l'Etat consistera seulement à lui faire la guerre, ou à se joindre à ses ennemis en leur donnant aide et secours. Nul ne sera convaincu du crime de trahison si ce n'est sur la déposition de deux témoins à l'égard d'un même fait manifeste, ou sur l'aveu de l'accusé lui-même en audience publique.

L'article suivant, conçu comme suit, est lu et adopté, savoir :

Art. 91. Sera à jamais inhabile à remplir aucune place salariée ou de confiance dans cet Etat, quiconque aura été convaincu d'avoir donné ou offert quelque rémunération dans le but d'assurer son élection ou sa nomination.

M. Carter, ayant voté avec la majorité sur l'adoption de l'article 87 en demande la reconsidération. La Convention refuse d'y consentir.

M. Tatman ayant voté avec la majorité sur la motion d'adopter l'article 91 demande la reconsidération dudit article et la Convention y consent.

L'article 91 étant devant la Convention,

M. Tatman présente le substitut suivant :

Sera à jamais inhabile à remplir aucune place salariée ou de confiance, dans cet Etat quiconque aura été convaincu d'avoir donné ou offert quelque rémunération dans le but d'assurer son élection ou sa nomination ; et quiconque aura eu recours aux menaces, aura offert à boire ou se sera rendu chez aucun électeur dans le but d'obtenir sa voix, et qui aura demandé à aucun électeur personnellement de voter pour lui ou qui se sera servi de moyens illégaux, soit directement, soit par lui-même, soit par l'entremise d'autres individus, dans le but d'assurer son élection, sera inhabile à remplir aucune place dans cet Etat pendant le terme pour lequel il aura été élu.



M. Stewart fait la motion de déposer ce substitut sur le bureau, et cette motion prévaut.

M. Hatch propose d'insérer, à la fin de l'article les mots après l'adoption de cette Constitution.

M. Dufour demande que cet amendement soit déposé sur le bureau, et sur cette motion l'Article est adopté de nouveau sans amendement.

La Convention passe alors à l'article 92 qui est lu, savoir :

Art 92. Des lois seront faites pour exclure des emplois et pour priver du droit de suffrage tous ceux qui seront à l'avenir convaincus de subornation, de parjure, de faux, ou de tout autre crime ou délit grave. Le privilège de libre suffrage sera maintenu par des lois réglant les élections et défendant sous des peines proportionnelles, toute influence illicite exercée à l'aide du pouvoir, de la subornation, du désordre ou autres pratiques condamnables.

M. Hayes présente ce qui suit, comme substitut au susdit article :

Art 92. Quiconque sera désormais convaincu d'un crime ou délit entraînant peine de mort ou les travaux forcés, ne pourra être élu à aucune place et sera privé du droit de suffrage.

M. Phillips fait la motion d'amender le substitut en insérant après les mots "travaux forcés" les mots "pendant cinq ans ou plus",

Laquelle motion est rejetée.

M. Phillips présente alors le proviso suivant :

"Bien entendu qu'un pardon lui rendra ses droits."

M. Dufour fait la motion de déposer le substitut et le proviso sur le bureau.

Cette motion prévaut.

M. Waddill propose d'insérer à la fin de l'article le proviso suivant :

Bien entendu que la Législature aura le pouvoir de réintégrer dans ses droits civils la personne ainsi convaincue.

Le dit proviso est sur motion, déposé sur le bureau.

M. Phillips présente alors le proviso qui avait été d'abord proposé par lui, au substitut de M. Hayes, comme amendement au susdit article.

Sur motion de M. Olivier, le proviso est déposé sur le bureau.

Et sur motion, l'article est adopté sans amendements.

L'article 93 étant lu, savoir :

Art 93. Il ne sera pas tiré d'argent du trésor, si ce n'est en vertu d'allocations spéciales faites par la loi, et aucune allocation d'argent ne sera faite pour un terme de plus de deux années. Il sera publié chaque année, de la manière qui sera prescrite par la loi, des états et des comptes réguliers des recettes et des dépenses de tous les deniers publics.

M. Connely propose de biffer les mots suivants "et aucune allocation d'argent ne sera faite pour un terme de plus de deux années."

Cette proposition est rejetée.

M. Deloney propose d'insérer après les mots "deux années" les mots suivants, "jusqu'à ce que toutes les dettes de l'Etat soient déchargées."

M. Todd fait la motion de déposer l'amendement sur le bureau.

Laquelle motion prévaut.

Sur motion l'article 93 est adopté sans amendement.

La Convention s'occupe ensuite de l'article 94 qui est lu et adopté :

Art 94. Il sera du devoir de l'assemblée générale de passer les lois qui lui paraîtront nécessaires et convenables pour faire décider les différends par arbitrage.

L'article 95 étant lu, savoir :

Art. 95. Tous les officiers civils de l'Etat en général résideront dans les limites de l'Etat et tous les officiers de district ou de paroisse dans leurs districts ou paroisses, et ils y tiendront leurs bureaux aux lieux qui pourront être fixés par la loi : nul ne pourra être élu ou nommé à aucune place de paroisse, à moins qu'il n'ait résidé dans la paroisse assez long-temps avant cette élection ou cette nomination pour avoir acquis le droit de voter dans cette paroisse. Nul ne pourra être élu ou nommé à aucune place de district à moins qu'il n'ait résidé dans le district ou dans un district limitrophe assez long temps avant cette élection ou cette nomination pour avoir acquis le droit de voter dans ce district.

Mr. Shaw fait la motion d'effacer les mots "ou dans un district limitrophe."

Mr. Herron propose comme sous-amendement, d'effacer tout ce qui suit le mot "loi" dans le premier paragraphe.

Cette motion prévaut.

Et sur motion l'article ainsi amendé est adopté.

Lecture est faite de l'article 96, savoir :

Art. 96. La durée des emplois, lorsqu'elle n'aura pas été fixée par cette constitution, n'excèdera jamais quatre années.

Mr. Herron propose d'effacer les mots quatre années et d'insérer les mots "deux ans."

Mr. Richardson de Ste. Marie propose comme sous-amendement de biffer tout l'article. Laquelle motion prévaut.

L'art. 97 est lu, savoir :

Art. 97. Tous officiers civils autres que le Gouverneur et les Juges de la Cour Suprême et des Cours de Districts, pourront être destitués à la demande de la majorité des membres des deux chambres, à l'exception de ceux à la destitution desquels il a été autrement pourvu par cette constitution.

Mr. King de St. Landry fait la motion d'effacer les mots "de Districts" et d'insérer le mot "Inférieures."

Cette motion prévaut.

Mr. Lobdell présente alors l'amendement suivant, qui devra être inséré après les mots "Cours inférieures," excepté les "Juges de paix" lequel amendement est sur motion déposé sur le bureau.

Sur motion l'article amendé est adopté.

La Convention s'occupe alors de l'art. 98 de la Constitution conçu ainsi :

Art. 98. L'absence ayant pour cause les inté-



rêts de l'Etat où des Etats-Unis, ne fera point perdre la résidence déjà acquise de manière à priver qui que ce soit du droit de suffrage ou du droit d'être élu ou nommé aux places, sauf les exceptions contenues dans cette Constitution.

Mr. Guion propose d'amender en ajoutant après les mots "Etats Unis" les mots suivants, "visites ou affaires particulières."

Cette motion est rejetée.

Mr. Jennings fait la motion de rejeter l'article en entier.

Laquelle motion est rejetée

Mr. Delony propose de biffer tout ce qui suit le mot "acquise."

Cette motion est rejetée.

Mr. Benjamin fait la motion de déposer l'article entier sur le Bureau ;

Laquelle motion prévaut.

L'art. 99 est alors lu, comme suit :

Art. 99. Il sera du devoir de la Législature de pourvoir par la loi à la réduction du traitement des fonctionnaires publics qui se rendront coupables de négligence dans l'accomplissement de leurs devoirs.

Sur motion de Mr. Phillips, le susdit article est rejeté.

La Convention passe à l'article 100 ainsi conçu.

Art. 100. La Législature déterminera de quelle manière une personne venant dans l'Etat devra déclarer sa résidence.

Mr. Todd fait la motion de rejeter l'article ; laquelle motion prévaut.

La Convention s'occupe ensuite de l'art. 191.

Art. 101. Dans toutes les élections faites par le peuple on votera au scrutin secret, et dans toutes les élections faites par le Sénat et la Chambre des Représentans, collectivement ou séparément, on votera *viva voce*.

Mr. Gardère y présente le substitut suivant :

Art. 101. Dans toutes les élections faites par le peuple, et dans toutes les élections faites par le Sénat et la Chambre des Représentans, collectivement ou séparément on votera "*viva voce*."

Mr. Dufour fait la motion de déposer le substitut sur le Bureau.

Sur laquelle motion Mr. Connely demande l'appel nominal qui présente le résultat suivant :

Messrs. Akenhead, Andrews, Avery, Anderson de Carroll, Bradford, Benjamin, Bernard, Brother, Byrne, Bartlett, Besançon, Beard, Buisson, Campbell Castellanos, Conrad, Davidson, Douglass, Dufour, Delony, Declouet, Eggleston, Edwards, d'Orléans ; Guion, Hatch, Harris, Hebert, Hodges, Hayes, Hargis, Hough, Hunt, Isaacks, King, de St. Landry, Key, Leefe, Le Blanc, Lyle, Lapeyre, Leeds, Lobdell, McMillen, Marrero, McIlhenny, Mathews d'Orléans, Mongé, Nicholls, Olivier de St. Martin ; Olivier, de Ste. Marie ; Palfrey, Preaux, Pierce, Phillips, Parham, Paxton, Price, Pierson, Richardson du Oua., Rixner, Roman, Ronquillo, Reeves, Richardson de Ste

Marie, Roselius, Roysden, Robinson, Sandidge, Smart, Shelton, Sibley, Staës, Shaw, Smith d'E. F., Thibodeaux, Taliafero, Todd, Van Wickle, Villeré, Williams et Wittington ; 80 votent dans l'affirmative, et

Messrs. Anderson de St. Landry, Addison, Armant, Boyer, Bienvenu, Cotton, Collens, Connely, Dalférès, Dosson, Duffel, Dorsey, Dugué, Eustis, Edwards de Washington, Farmer, Gardère, Hernandez, Herron, Jourdan, Jennings, Jones, King de Jackson, Martin, Mathews de Pte C., Moss, Patterson, Pujo, Swazey, Smith de Winn, Scarborough, Stewart, Tatman, Thompson, Talbot et Waddill ; 36 votent dans la négative.

En conséquence la motion prévaut et le substitut est déposé sur le Bureau.

Mr. Thompson présente l'amendement suivant devant être inséré à la fin de l'article.

"A moins qu'il y soit autrement pourvu par la loi." Cet amendement est sur motion déposé sur le Bureau.

Mr. Richardson du Oua., présente l'amendement suivant, qui devra être inséré à la fin de l'article : "Jusqu'à ce que l'Assemblée Générale en dispose différemment."

Mr. Dufour fait la motion de déposer l'amendement sur le Bureau. Laquelle motion prévaut.

Sur motion, l'article est déposé sans amendement.

La Convention s'occupe alors de l'art. 102, qui est lu.

Art. 102. Aucun membre du Congrès ni aucun fonctionnaire occupant ou remplissant une place salariée ou de confiance, sous l'autorité des Etats-Unis ou de l'un des Etats de l'Union ou d'aucune puissance étrangère, ne pourra être élu membre de l'Assemblée Générale de cet Etat ni occuper ou remplir aucune place salariée ou de confiance sous l'autorité du dit état.

Mr. Dufour fait la motion d'effacer les mots "Aucun membre du Congrès."

Mr. Smart propose de rejeter l'article en entier.

Mr. Todd fait la motion de déposer les deux propositions sur le Bureau.

Cette motion prévaut.

Mr. Phillips présente alors le substitut suivant :

Art. 102. Aucun membre du Congrès, ni aucun fonctionnaire occupant ou remplissant une place salariée ou de confiance, sous l'autorité des Etats Unis ou de l'un des Etats de l'Union ou d'aucune puissance étrangère, ne pourra être élu à remplir ou occuper aucune place salariée ou de confiance, sous l'autorité du dit Etat.

Sur motion le dit substitut est déposé sur le Bureau, et sur motion l'article est adopté sans amendement.

La Convention s'occupe alors de l'article 103 qui est lu, et sur motion adopté sans amendement.



Art. 103. Les lois, les archives publiques de cet Etat, les procédures judiciaires et législatives du dit Etat seront promulguées, conservées et conduites dans la langue dans laquelle est écrite la Constitution des Etats-Unis.

La Convention passe ensuite à l'article 104 dont lecture est faite, savoir :

Art. 104. Le Secrétaire du Senat et le Greffier de la Chambre des Représentans, devront être versés dans la langue française et dans la langue anglaise, et les membres de l'Assemblée Générale pourront prendre la parole dans l'une ou l'autre chambre, en français ou en anglais.

Mr. Hebert fait la motion d'effacer la première partie de l'article qui est ainsi conçu :

"Le Secrétaire du Senat et le Greffier de la Chambre des Représentans, devront être versés dans la langue française, et dans la langue Anglaise."

Mr. Armant fait la motion de déposer l'amendement sur le Bureau ;

Laquelle motion prévaut.

Mr. Pierce fait la motion de rejeter l'article entier.

M. Guion propose de déposer la motion sur le bureau.

Sur cette motion M. King de St. Landry demande l'appel nominal, qui présente le résultat suivant :

Messieurs Anderson, de St. Landry ; Avery, Anderson, de Carroll ; Addison, Benjamin, Bernard, Bienvenu, Boyer, Byrne, Collens, Connely, Dalferes, Delony, Dorsey, Douglas, Dugué, Edwards, d'Orléans ; Eggleston, Farmer, Guion, Hargis, Hebert, Hough, Isaacks, Jourdan, Key, Lapeyre, Leeds, Leblanc, McIlhenny, Akenhead, Andrews, Armant, Bradford, Besançon, Beard, Boudousquié, Buisson, Campbell, Cotton, Conrad, Davidson, Declouet, Dosson, Dufour, Duffel, Edwards, de Washington ; Eustis, Gardère, Hatch, Herron, Hernandez, Hunt, Jennings, Jones, King, de St. Landry ; Leefe, Lobdell, Lyle, Mathews, d'Orléans ; Mathews, de Pointe Coupée ; Martin, Monge, Olivier, de St. Martin ; Parham, Paxton, Preaux, Phillips, Reeves, Richardson, de Ste. Marie ; Risk, Roman, Ronquillo, Sandidge, Staës, Swazey, Scarborough, Smith, de West Feliciana ; Sibley, Tatman, Taliaferro, Thompson, Van Wickle, Waddill, Wittingten, Marrero, Moss, Nicholls, Olivier, de Ste. Marie ; Palfrey, Patterson, Price, Pujo, Richardson, de Ouachita ; Rixner, Roselius, Roysden, Robinson, St. Paul, Smart, Shaw, Shelton, Smith, de Winn ; Stewart, Talbot, Thibodeaux, Todd, Villeré et Williams—109 votent dans l'affirmative,

Et Messieurs Bartlett, Harris, Hodges, Mc Millen, Pierson, Brother, Hargis, King, de Jackson ; et Pierce—9 votent dans la négative.

En conséquence la motion de M. Guion prévaut et la motion de M. Pierce est déposée sur le bureau.

M. Richardson de Ste. Marie fait la motion d'effacer la dernière clause dudit article qui est ainsi conçu : "et les membres de l'Assemblée Générale pourront prendre la parole dans l'une

ou l'autre Chambre en français ou en anglais."

M. King de St. Landry fait la motion de déposer l'amendement sur le bureau, laquelle motion prévaut.

Sur motion l'article est adopté sans amendement.

La Convention passe ensuite à l'article 105 qui est ainsi conçu :

Art. 105. L'Assemblée Générale déterminera par la loi, comment ceux qui sont maintenant ou qui pourront par la suite devenir cautions des fonctionnaires publics pourront être dégagés de leur cautionnement.

Sur motion de M. Hugh le susdit article est rejeté.

Lecture étant faite de l'article 106, savoir :

Art. 106. Le pouvoir de suspendre les lois de cet Etat ne sera exercé que par la législature ou par son autorité.

Sur motion ledit article est adopté sans amendement.

La Convention s'occupe alors de l'article 107, dont lecture est faite.

Art. 107. Les poursuites criminelles se feront par acte d'accusation ou sur information. L'accusé aura droit à un jugement prompt et public par un jury impartial, du voisinage, et il ne sera point contraint à s'incriminer lui-même, il aura le droit de se défendre en personne ou de se faire défendre par conseil ; il aura le droit, à moins qu'il n'ait fui la justice d'examiner les témoins face à face et d'obtenir par voie de contrainte la comparution des témoins en sa faveur.

M. Collens fait la motion de biffer les mots : "actes d'accusations ou" laquelle motion est déposée sur le bureau.

M. Collens propose d'effacer les mots suivants : "à moins qu'il n'ait fui la justice."

Laquelle proposition, sur motion de M. Campbell, est déposée sur le bureau.

M. Phillips fait la motion d'insérer, après le mot "poursuites" les mots suivants :

"Excepté pour les délits mineurs qui entraînent à un emprisonnement n'excédant pas dix jours et une amende n'excédant pas vingt cinq piastres."

Sur motion de M. Eggleston l'amendement est déposé sur le bureau, et sur une seconde motion l'article est adopté sans amendement.

Sur motion la Convention s'ajourne à demain 9 heures A. M.

JEUDI, 15 juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil, et 94 délégués répondent à l'appel.

Le Révérend McCrenshaw fait l'ouverture des délibérations par les prières.

M. Mathews demande et obtient un congé pour M. Simms.



M. Jennings présente la résolution suivante qui, sur motion, est référée au comité des dispositions générales :

Attendu qu'un système judicieux d'améliorations intérieures contribue beaucoup à développer les ressources de l'Etat et à augmenter le bonheur et la prospérité des citoyens ;

Il sera du devoir de l'assemblée générale d'établir des lois concernant les améliorations qu'il y aurait à faire aux levées, aux égoûts, aux voutes, aux canaux et aux cours d'eaux navigables et de pourvoir à l'application équitable et judicieuse des fonds qui pourraient être appropriés à ces objets.

M. Collens, de la part de la majorité du comité de la franchise électorale, soumet le rapport suivant :

La majorité du comité de la franchise électorale a l'honneur de représenter qu'il a donné aux articles et aux résolutions qui lui ont été référés la considération la plus attentive et que les recherches qu'il a faites le portent à recommander à la Convention d'insérer ce qui suit comme titre distinct de la Constitution :

#### TITRE VI.

##### *Du droit de suffrage.*

Art.—Dans toutes les élections par le peuple, tout individu mâle, libre et blanc qui sera depuis un an citoyen des Etats-Unis, qui aura atteint l'âge de 21 ans et résidé dans cet Etat pendant l'année qui aura immédiatement précédé l'élection et pendant les six derniers mois dans la paroisse dans laquelle il se présente pour voter, exercera les droits d'électeur.

Art.—Dans tous les cas, excepté ceux de trahison, de félonie ou d'atteinte à la paix publique, les électeurs ne pourront être arrêtés pendant qu'ils seront aux lieux d'élection, ou qu'ils s'y rendront, ou qu'ils en reviendront.

Art.—La Législature fera des lois pourvoyant à l'enregistrement des noms et de la résidence des électeurs dans la ville de la Nouvelle-Orléans et dans les paroisses et les villes où cet enregistrement deviendra nécessaire.

(Signé) T. WHARTON COLLENS, Rapporteur.

M. Moss, au nom de la minorité du même comité annonce à la Convention qu'il présentera ultérieurement un rapport de la minorité.

Sur motion de M. Collens, le rapport susdit est mis à l'ordre du jour pour être pris en considération dès que la Convention aura disposé du titre des dispositions générales.

M. King de Jackson, ayant voté avec la majorité l'adoption de l'article 93, en demande la reconsidération. La Convention refuse d'y consentir.

M. King de St-Landry, ayant voté hier avec la majorité sur l'adoption de l'article 107, en obtient la reconsidération.

L'article 107 étant à l'ordre, M. Hunt propose d'en effacer les mots "à moins qu'il n'ait fui la justice." Cette motion prévaut, et sur une

motion subséquente cet article est adopté de nouveau avec cet amendement.

Le président soumet à la Convention la lettre suivante :

BATON ROUGE, 15 juillet 1852.

*A l'Honorable Duncan F. Kenner, Président de la Convention.*

Monsieur.—Le comité nommé à une assemblée de citoyens de cette paroisse afin de faire les dispositions nécessaires pour une démonstration publique en l'honneur de Henry Clay, ce patriote distingué et ce grand homme d'Etat, dont la mort récente vient de plonger l'Union dans le deuil, a l'honneur de vous inviter, vous et les membres de la Convention qui siège en ce moment en cette ville, à vous unir à nous, le samedi 17 courant, à onze heures du matin, à l'église méthodiste épiscopale, pour participer à l'accomplissement de ce triste et pénible devoir.

Je suis, avec respect, votre obéissant serviteur,

JOHN R. DUFROCQ,

Président du comité.

Sur motion de M. Richardson du Ouachita, la Convention accepte cette invitation.

#### ORDRE DU JOUR.

La Convention s'occupe de l'article 8 de la Constitution qui avait été fixé pour aujourd'hui.

M. Conrad propose de renvoyer la prise en considération de cet article et de le mettre à l'ordre du jour pour mercredi 21 du courant. Cette motion prévaut.

#### ORDRE DU JOUR.

La Convention passe alors à l'article 108 qui est ainsi conçu :

Art. 108.—Tout prisonnier sera recevable à caution moyennant suffisantes sûretés excepté dans les cas de crimes capitaux, s'il y a preuve évidente ou forte présomption ; le privilège d'habeas corpus ne sera point suspendu à moins que dans le cas de rébellion ou d'invasion, le salut public ne l'exige.

M. Eustis soumet, comme substitut, ce qui suit :

Art. 108.—Tout prisonnier sera admis à caution moyennant suffisantes sûretés, excepté dans les cas de crimes capitaux, s'il y a preuve évidente ou forte présomption, ou à moins qu'un petit jury ne l'ait trouvé coupable d'un crime qui entraîne la peine de mort ou les travaux de force. Le privilège d'habeas corpus ne sera point suspendu à moins que, dans des cas de rébellion ou d'invasion, le salut public ne l'exige.

Sur la motion de M. Hunt, ce substitut est adopté.

La Convention s'occupe alors des articles suivants de la Constitution qui sont respectivement adoptés sans amendements :

Art. 109.—Il ne sera passé aucune loi ex post facto, ni aucune loi portant atteinte à la validité des contrats ; nul ne sera privé de ses droits acquis si ce n'est pour cause d'utilité publique et moyennant une juste et préalable indemnité.



Art. 110.—La presse sera libre. Tout citoyen pourra librement manifester, écrire et publier son opinion sur toutes sortes de sujets, seulement il répondra de l'abus qu'il aura fait de cette liberté.

L'article 111 étant lu en ces termes :

Art. 111.—L'émigration de cet Etat ne sera point défendue.

Sur motion de M. Conrad, cet article est rejeté.

L'article 112 étant à l'ordre est lu comme suit, savoir :

Art. 112.—L'assemblée générale qui se réunira après la première élection des représentans sous l'autorité de cette Constitution devra, dans le cours du premier mois après l'ouverture de la session, désigner et fixer le siège du gouvernement à quelque lieu distant de la ville de la Nouvelle-Orléans d'au moins 60 milles par route publique la plus courte, ou si ce lieu se trouve sur le Mississipi, par les détours du fleuve, et le siège du gouvernement, une fois ainsi fixé, ne pourra plus être déplacé si ce n'est par le concours des quatre cinquièmes des deux chambres de l'assemblée générale. La Législature tiendra ses sessions à la Nouvelle-Orléans jusqu'à la fin de l'année mil huit cent quarante huit.

M. Hatch présente, comme substitut, ce qui suit :

Le siège du gouvernement sera fixé en la ville de Bâton Rouge, et n'en sera pas déplacé sans le concours des quatre cinquièmes des membres des deux chambres de l'assemblée générale.

M. Herron fait la motion de renvoyer la prise en considération de cet article à lundi 19 du courant.

Sur motion de M. Richardson de Ste-Marie, cette motion est déposée sur le bureau.

M. Jones demande de déposer le sujet en entier sur le bureau.

Sur cette motion on demande l'appel nominal et

MM. Armant, Castellanos, Dalferes, Eggleston, Jones Roselius et Staes.

7 délégués votent dans l'affirmative et

MM. Anderson de Saint-Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Addison, Bradford, Benjamin, Besançon, Bernard, Beard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Carter, Campbell, Collens, Cotton, Connely, Conrad, Davidson, Delony, Declouet, Dosson, Douglass, Dufour, Dugué, Duffel, Edwards d'Orléans, Edwards de Washington, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King de Jackson, King de St. Landry, Lapeyre, Leefe, Leeds, Lobdell, LeBlanc, Lyle, McIlhenny, McMillen, Mathews d'Orléans, Mathews de Pointe Coupée, Martin, Moss, Mongé, Nicholls, Olivier de Ste-Marie, Olivier de St-Martin, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pearce, Phillips, Pujo, Reeves, Richardson du Oua., Richardson

de Ste-Marie, Rixner, Risk, Roman, Roysden, Ronquillo, Robinson, Sandidge, St-Paul, Smart, Swazey, Shaw, Scarborough, Shelton, Smith d'O. Fél., Smith de Winn, Sibley, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Thompson, Todd, Van Wickle, Villeré, Waddill, Williams et Whittington.

110 délégués votent dans la négative.

Par conséquent, cette motion est rejetée.

M. Williams soumet ce qui suit comme amendement au substitut de M. Hatch :

Le siège du gouvernement restera à Bâton Rouge et n'en sera pas transporté sans le concours des deux tiers des deux chambres de l'assemblée générale.

M. Conrad fait la motion de déposer l'amendement sur le bureau. Cette motion ne prévaut pas.

M. Palfrey propose comme sous-amendement, d'effacer de l'amendement ci-dessus, les mots "deux tiers" et d'y substituer les mots "trois quarts."

Sur la dite motion on demande l'appel nominal et

MM. Avery, Andrews, Armant, Bradford, Bernard, Bienvenu, Brother, Boyer, Bullard, Buisson, Castellanos, Campbell, Collens, Cotton, Connely, Dalferes, Davidson, Dufour, Dugue, Edwards d'Orléans, Eggleston, Eustis, Gardère, Guion, Hays, Harris, Hargis, Hernandez, Hodges, Hunt, Jourdan, Jones, Key, Lapeyre, Leefe, Leeds, Parham, Palfrey, Patterson, Price, Pierson, Phillips, Reeves, Richardson de Ste Marie, Richardson du Oua., Roysden, Smart, Swazey, Shaw, Shelton, Smith d'O. Feliciano, Smith de Winn, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Todd, Van Wickle, Waddill et Whittington, 61 délégués votent dans l'affirmative et

MM. Anderson de St. Landry, Akenhead, Anderson de Carroll, Addison, Benjamin, Besançon, Beard, Boudousquié, Byrne, Carter, Conrad, Delony, Declouet, Dorsey, Dosson, Douglass, Duffel, Edwards de Washington, Farmer, Hatch, Herron, Hébert, Hough, Isaacks, Jennings, King de St. Landry, King de Jackson, LeBlanc, Lobdell, Lyle, McMillen, Mathews de Pte C., Moss, Nicholls, Olivier de St Martin, Olivier de Ste Marie, McIlhenny, Mathews d'Orléans, Martin, Mongé, Paxton, Preaux, Pearce, Pujo, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St Paul, Staës, Scarborough, Sibley, Taliafero, Villeré et Williams, 57 délégués votent dans la négative.

Par conséquent cette motion prévaut et le sous-amendement est adopté.

L'amendement ainsi amendé vient à l'ordre, et

Mr. Taliafero propose de le déposer sur le bureau.

Sur cette motion on demande l'appel nominal et

MM. Armant, Bradford, Bernard, Bienvenu, Brother, Boyer, Bullard, Cotton, Dosson, Dugué, Eggleston, Eustis, Guion, Jones, Key,



Lapeyre, Mathews d'Orléans, Martin, Mongé, Preaux, Pujo, Risk, Roselius, Robinson, St. Paul, Staës, Sibley, Taliafero, Van Wickle, Villeré et Williams, 31 délégués votent dans l'affirmative et

MM. Anderson de St, Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Addison, Benjamin, Besançon, Beard, Boudousquière, Buisson, Byrne, Castellanos, Carter, Campbell, Colens, Conrad, Davidson, Delony, Declouet, Dorsey, Douglass, Dufour, Duffel, Edwards d'Orléans, Edwards de Washington, Farmer, Gardère, Hatch, Hays, Harris, Hargis, Herron, Hebert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, King de St. Landry, King de Jackson, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McMillen, Mathews de Pte. C., Moss, Nicholls, Olivier de St. Martin, Olivier de Ste Marie, Parham, Palfrey, Paxton, Patterson, Price, Pearce, Pierson, Phillips, Reeves, Richardson du Oua., Richardson de Ste Marie, Roman, Roysden, Ronquillo, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Smith d'O. Féliciana, Smith de Winn, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Todd, Waddill et Wittington, 84 délégués votent dans la négative et la dite motion est rejetée.

Sur motion, l'amendement et le sous-amendement sont adoptés.

Le Président soumet à la Convention la communication suivante du secrétaire d'Etat, accompagnée d'un tableau compilé d'après le recensement des Etats-Unis fait en 1850, conformément à une résolution adoptée le 8 du courant.

BATON ROUGE, 15 Juillet, 1852.

Monsieur—Conformément à une résolution adoptée le 8 du courant, je sou mets à l'assemblée à laquelle vous présidez le tableau compilé d'après le recensement des Etats-Unis fait en 1850 par Mr. E. R. Eastin, que le comité du département du Législatif avait choisi pour m'assister dans ce travail considérable. Mr. Eastin s'est acquitté de cette tâche avec attention et fidélité, autant que je puis en juger, et j'ai l'honneur de soumettre à la Convention le résultat de ses travaux.

Ce tableau démontre

- 1o. La population blanche de l'Etat se monte à 255,416
- 2o. La population esclave à 244,786
- 3o. Les personnes de couleur libres à 17,537
- 4o. Les habitants mâles et blancs au-dessus de l'âge de 21 ans 72,997
- 5o. Le nombre de ces diverses populations dans chaque paroisse respectivement

Quant au dernier recensement de l'Etat fait en 1847, je ne puis en tirer aucun des renseignements que demande la Convention. J'en avais transmis les rôles à la Législature en 1848, ainsi que le démontre le journal des deux chambres,

et, jusqu'à présent, ces documents ne m'ont pas été rendus.

J'ai l'honneur de vous transmettre les exemplaires imprimés du recensement de 1830 et de 1840.

Je suis avec respect, &c., &c.

(signé)

CHARLES GAYARRE,  
Secrétaire d'Etat.

A l'Hon. Duncan F. Kenner, }  
Président de la Convention. }

POPULATION DE L'ETAT DE LA LOUISIANE.						
SEPTIEME RECENSEMENT, 1850.						
District Oriental.	Blancs.	Couleur libres.	Esclaves	Total de la population.	Males audessus de l'âge de 21 ans	Elec-teurs de 1847.
Ascension .....	3.339	147	7.266	10.752	827	543
Assomption ....	5.170	37	5.341	10.538	1.165	1.052
E. Baton Rouge..	5.347	279	6.351	11.977	1.520	782
O. Baton Rouge..	1.818	102	4.350	6.270	456	402
Est Feliciana...	4.061	23	9.514	13.598	1.092	750
O. Feliciana.....	2.473	106	10.666	13.245	751	516
Iberville .....	3.568	104	8.607	12.279	1.065	768
Jefferson .....	18.021	874	6.196	25.091	5.275	1.284
Lafourche .....	5.143	22	4.368	9.533	1.103	1.048
Livingston.....	2.523	20	842	3.385	587	433
Orleans .....	91.355	10.038	18.068	119.461	32.861	975
Plaquemines...	2.221	390	4.779	7.390	793	818
Pointe Coupee..	2.967	561	7.811	11.339	816	625
St. Bernard.....	1.406	73	2.323	3.802	458	239
St. Charles.....	867	121	4.132	5.120	217	187
St. Helene.....	2.354	11	2.196	4.561	484	410
St. Jacques.....	3.285	62	7.751	11.098	740	651
St. Jean Baptiste	2.586	191	4.510	7.317	585	519
St Tammany....	3.642	359	2.363	6.364	843	438
Terrebonne.....	3.324	72	4.328	7.724	759	553
Washington ....	2.367	4	1.037	3.408	489	404
District Oriental.	167.837	13.586	122.829	314.252	72.997	
Dist. Occidental.						
Avoyelles .....	4.066	99	5.161	9.326	879	863
Bienville .....	3.623	21	1.895	5.539	767	....
Bossier.....	2.507	00	4.455	6.962	588	366
Caddo.....	3.637	39	5.208	8.884	1.058	460
Calcasieu.....	2.716	241	957	3.914	576	444
Caldwell .....	1.584	00	1.231	2.815	349	268
Carroll.....	2.336	10	6.443	8.789	698	467
Catahoula .....	3.585	19	3.528	7.132	810	623
Claiborne.....	4.949	00	2.522	7.471	1.079	1.095
Concordia .....	823	1	6.934	7.758	280	352
DeSoto.....	3.548	25	4.446	8.019	854	454
Franklin .....	1.664	14	1.573	3.251	371	333
Jackson .....	3.406	2	2.158	5.566	716	288
Lafayette.....	3.390	160	3.170	6.720	657	638
Morehouse .....	1.877	30	2.006	3.913	506	215
Natchitoches...	5.466	881	7.854	14.201	1.349	1.001
Rapides.....	5.037	184	11.340	16.561	1.301	871
Sabine .....	3.347	00	1.168	4.515	706	642
St. Landry.....	10.139	1.243	10.871	22.253	2.147	1.543
St. Martin.....	4.741	531	6.493	11.765	1.140	942
Tensas .....	900	2	8.138	9.040	330	273
Ste. Marie.....	3.423	424	9.853	13.700	1.029	680
Union.....	4.778	00	3.475	8.263	1.066	514
Vermillion.....	2.328	14	1.067	3.409	476	409
Ouachita .....	2.293	7	2.708	5.008	500	312
Madison.....	1.416	4	7.373	8.773	473	423
Dist. Occidental.	87.579	3.951	121.957	213.487		
District Oriental.	167.837	13.586	122.829	314.252		
Total de la pop'n	255.416	17.537	244.786	517.739		
Total des blancs et des gens de couleur libres.....					272.953	
Trois cinquièmes d'esclaves.....					146,811	
Population représentative fédérale.....					419,824	

Sur motion de Mr. King de St. Landry, la Convention ordonne l'impression de 200 exemplaires du susdit tableau.

La Convention s'occupe ensuite de l'article 113 qui est passé—ayant été référé au Comité des Dispositions Générales, et le Comité n'en ayant pas encore fait le rapport.

Lecture est alors faite de l'article 114, qui.



sur motion de Mr. Roman, est référé au Comité des Dispositions Générales.

L'Art. 115 est ensuite lu, savoir :

Art. 115.—La Législature devra pourvoir par la loi au transfert des affaires civiles et criminelles d'une juridiction à une autre.

Sur motion, le dit Article est adopté.

Lecture étant faite de l'Art. 116, savoir :

Art. 116.—Aucune Loterie ne sera autorisée par cet Etat, et la vente et l'achat de billets de loterie dans les limites de cet Etat sont interdits.

Mr. Staës fait la motion de le rejeter.

Mr. McIlhenny fait la motion de déposer sur le bureau la motion de Mr. Staës.

Cette motion prévaut.

Et sur motion l'article est adopté sans amendement.

La Convention s'occupe alors de l'article suivant, qui, sur motion, est lu et adopté :

Art. 117. Aucun divorce ne sera accordé par la Législature.

L'Art. 118 subit sa lecture, savoir :

Art. 118.—Les lois décrétées par la législature ne pourront embrasser qu'un seul objet, lequel sera exprimé dans le titre.

Mr. Jennings propose de rejeter l'article entier.

Mr. Nichols fait la motion de déposer l'amendement sur le bureau.

Laquelle motion prévaut.

Sur motion l'article est adopté sans amendement.

L'article 119 est ensuite lu, savoir :

Art. 119. Aucune loi ne sera remise en vigueur ou amendée par indication de son titre, mais en ce cas, la loi remise en vigueur ou la section amendée, seront décrétées de nouveau et publiées tout-au-loug.

Mr. Connelly propose de rejeter l'article ;

Mr. Todd fait la motion de déposer la proposition sur le bureau.

Cette motion prévaut.

Et sur une seconde motion l'article est adopté.

L'Article 120 est alors lu, comme suit, et sur motion, est adopté.

Art. 120.—La législature n'adoptera jamais aucun système ou code de lois en se référant en termes généraux aux dits système ou code de lois, mais elle spécifiera dans tous les cas les diverses dispositions de loi qu'elle pourra décréter.

Les articles 121, 122, 123, 124 et 125, ayant été référés au Comité des Dispositions générales sont renvoyés jusqu'à ce que le Comité en fasse un rapport.

L'Article 126 est alors lu, en ces termes :

Art. 126.—Nul ne pourra occuper ou remplir à la fois plus d'une place salariée, la place de juge de paix exceptée.

Mr. Staës fait la motion d'effacer les mots "la place de Juge de paix exceptée."

Laquelle motion est rejetée.

Mr. Castellanos propose d'insérer à la fin du susdit article les mots suivants :

"En de là des limites incorporées de la ville de la Nouvelle Orléans."

Sur motion l'amendement est déposé sur le bureau,

Et sur motion l'article est adopté.

La Convention prend alors en considération l'article 127, qui est ainsi conçu :

Art. 127.—La taxe sera égale et uniforme dans tout l'Etat. Après l'année mil huit cent quarante-huit, toute propriété sur laquelle une taxe pourra être levée dans cet Etat, sera taxée en proportion de sa valeur déterminée conformément à la loi ; aucune espèce de propriété sur laquelle une taxe pourra être perçue, ne pourra être taxée plus haut que toute autre espèce de propriété de la même valeur sur laquelle une taxe pourra être levée. La Législature aura le droit de lever une taxe de revenu et de taxer toute personne livrée au commerce ou exerçant une industrie ou une profession.

Mr. St. Paul présente le substitut suivant au sus-dit article :

Art 127.—La taxe sera uniforme dans tout l'Etat, et toute propriété sera taxée en proportion de sa valeur, déterminée conformément à la loi, et aucune espèce de propriété sur laquelle une taxe pourra être perçue, ne pourra être taxée plus haut que toute autre espèce de propriété de la même valeur. Bien entendu, cependant, que tous propriétaires dont les propriétés estimées se monteront à moins de \$3000, auront droit à une déduction d'un quart ; ceux dont la fortune se montera à moins de \$2000, auront droit à une déduction d'un tiers ; et ceux dont la fortune montera à moins de \$1000, auront droit à une déduction de la moitié du montant de taxes pour laquelle leurs propriétés auront été taxées.

Et toutes corporations autorisées à imposer et lever des taxes sur les propriétés et les esclaves, seront tenus d'adopter la même règle.

La Législature aura le droit de lever une taxe de revenu et de taxer toute personne livrée au commerce ou exerçant une industrie ou une profession."

Mr. Avery fait la motion de déposer le substitut sur le bureau ; laquelle motion prévaut.

Mr. Cotton fait la motion de biffer, dans le susdit article 127, les mots "commerce, industrie, ou "

Mr. Connelly présente le substitut suivant :

Art. 127.—La taxe sera égale et uniforme dans l'Etat ; aucune espèce de propriété ne pourra être taxée plus haut que toute autre espèce de propriété de la même valeur.

La Législature fixera la valeur des propriétés et des esclaves, à l'effet d'établir la taxe, et pourvoiera à la manière de déterminer la valeur d'autres propriétés sujettes à taxe.

La Législature aura le droit de lever une taxe de revenu et de taxer toute personne livrée au commerce ou exerçant une industrie ou une profession.

M. Cotton fait la motion de déposer le substitut sur le bureau ; laquelle motion prévaut.

La question devant la Convention étant sur l'adoption de la proposition de M. Cotton, et motion ayant été faite de la déposer sur le bureau,



M. Cotton demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Anderson, de Carroll ; Armant, Bradford, Bartlett, Benjamin, Bernard, Beard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter Collens, Connely, Conrad, Deloney, Dorsey, Douglass, Dufour, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Eustis, Hatch, Hayes, Harris, Hargis, Hough, Hodges, Hunt, Jennings, Jones, Key, King, de St Landry ; Lapeyre, Leefe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans ; Mathews, de Pointe-Coupée ; Martin, Monge, Nicholls, Olivier, de Ste Marie ; Parham, Palfrey, Paxton, Patterson, Preaux, Pearce, Pierson, Phillips, Reeves, Richardson, de Ouachita ; Risk, Roselius, Roman, Ronquillo, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Sibley, Tatman, Taliaferro, Thompson, Todd, Waddill, Williams et Wittington votent dans l'affirmative—82.

Et MM. Cotton, Dalferes, Dugué, Duffel, Gardère, Guion, Herron, Hernandez, Jourdan, McMillen, Moss, Olivier, de St Martin ; Price, Pujo, Richardson, de Ste Marie ; Roysden, Robinson ; Staës, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Talbot et Van Wickle votent dans la négative.

En conséquence la motion prévaut, et l'amendement est déposé sur le bureau.

M. Collens propose alors de biffer dans l'article les mots "après l'année 1848".

Pendant la considération de la dite proposition, M. Connely fait la motion de référer le sujet entier au comité des dispositions générales. Cette motion est rejetée.

La question étant alors sur l'adoption de l'amendement de M. Collens, elle est décidée dans l'affirmative ; en conséquence la motion est adoptée.

M. Collens propose d'amender l'article en insérant à la fin, les mots : " Sur le principe *ad valorem*". Laquelle motion est rejetée.

M. Guion propose d'effacer les mots "une taxe de revenu". Cette motion est rejetée.

M. Herron fait la motion de biffer la seconde clause du susdit article, et aussi tout ce qui suit les mots "sera levée".

M. Richardson, d'Ouachita, fait la motion de déposer l'amendement sur le bureau ; laquelle motion prévaut.

M. Connely propose d'insérer après les mots "pourra être levée", les mots " mais la Législature fixera la valeur des terres et des esclaves, à l'effet d'établir la taxe

M. King, de St Landry, fait la motion de déposer l'amendement sur le bureau.

Sur cette motion, M. Connely demande l'appel nominal, qui, étant fait, présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Anderson, de Carroll ; Armant, Addison, Bradford, Bartlett, Benjamin, Beard, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Conrad, Deloney, Declouet, Douglass, Dufour, Du-

gué, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Eustis, Gardère, Hatch, Hayes, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King, de St Landry ; King, de Jackson ; Lapeyre, Leefe, Leeds, Lyle, McIlhenny, McMillen, Mathews, d'Orléans ; Mathews, de Pointe-Coupée ; Martin, Moss, Monge, Nicholls, Parham, Paxton, Preaux, Price, Pearce, Pierson, Phillips, Pujo, Richardson, d'Ouachita ; Risk, Roselius, Roman, Ronquillo, Sandidge, St Paul, Staës, Swazey, Shaw, Shelton, Smith, d'Ouest-Féliciana ; Tatman, Talbot, Taliaferro, Todd, Villeré et Waddill votent dans l'affirmative—85

Et MM. Besançon, Bernard, Connely, Dalferes, Dorsey, Duffel, Farmer, Guion, Jourdan, Lobdell, Olivier, de St Martin ; Olivier, de Ste Marie Palfrey, Richardson, de Ste Marie ; Roysden, Robinson, Smart, Scarborough, Smith, de Winn ; Sibley, Stewart, Thompson, Van Wickle, Williams et Wittington votent dans la négative—25.

En conséquence la motion prévaut, et l'amendement est déposé sur le bureau.

M. Cotton fait la motion d'insérer à la fin de l'article, les mots " et les capitaux seront taxés".

M. Armant demande la question préalable, qui prévaut.

La question étant alors sur l'adoption de la proposition de M. Cotton, est décidée dans la négative, et en conséquence la motion est rejetée.

MM. Besançon et Cotton demandent et obtiennent le privilège de faire enregistrer leurs votes dans l'affirmative.

Sur motion, l'article est adopté ainsi qu'il est amendé.

La Convention s'occupe alors de l'article 128, dont la lecture est faite en ces termes :

Art. 128 Les citoyens de la ville de la Nouvelle-Orléans auront le droit de nommer les divers officiers publics nécessaires pour l'administration et la police de la dite ville, conformément au mode d'élection prescrit par la Législature. Bien entendu que le Maire et les recorders sont inéligibles comme membres de l'Assemblée Générale. Le Maire, les Records et les officiers municipaux seront commissionnés par le Gouverneur en qualité de juges de paix, et la Législature pourra les investir de telle juridiction qui sera nécessaire pour la punition des délits et des crimes d'une nature légère, selon que la police et le bon ordre de la ville pourront le requérir.

M. Preaux présente l'amendement suivant, être inséré après les mots " prescrit par la Législature :

" Et la Législature aura le pouvoir de les investir de telle autorité qui leur sera nécessaire pour mettre à exécution leurs projets municipaux".

M. Herron fait la motion de déposer l'amendement sur le bureau.

La question étant mise aux voix, 46 délégués votent dans l'affirmative, et 45 dans la négative ; —Le président votant alors dans la minorité,



déclare que la motion de déposer sur le bureau, prévaut.

M. Eustis propose de biffer le mot "et" devant les mots : "officiers municipaux", et d'insérer après ces derniers mots, les mots : "aides-officiers municipaux"; laquelle motion prévaut.

M. Collens fait la motion d'insérer à la fin de l'article, les mots suivants :

"Et dans les cas de délits, l'on pourra se dispenser de juri, bien entendu avec le consentement de l'accusé".

M. Isaacks propose de rejeter l'article en entier.

M. McIlhenny propose de déposer la motion sur le bureau; laquelle proposition prévaut.

M. Hunt demande la question préalable.

La question étant sur l'amendement présenté par M. Collens, elle est mise aux voix, et l'amendement est rejeté.

Sur motion, l'article est adopté ainsi qu'il est amendé.

La Convention passe ensuite à l'article 129, qui est lu en ces termes :

Art 129. La Législature pourra déterminer par la loi dans quels cas les fonctionnaires continueront à remplir les devoirs de leurs places jusqu'à ce que leurs successeurs soient institués en office.

Sur motion l'article est adopté.

Lecture est alors faite de l'article 130 en ces termes :

Art 130. Tout citoyen de cet Etat, qui après l'adoption de cette Constitution, se battra en duel avec un citoyen de cet Etat, ou enverra ou acceptera un cartel pour se battre en duel avec un citoyen de cet Etat, soit dans l'Etat, soit hors de l'Etat, ou qui agira comme second, ou qui sciemment aidera, assistera d'une manière quelconque des personnes engagées dans un duel, ne pourra occuper aucune place salariée ou de confiance, et sera privé de la jouissance du droit de suffrage sous l'autorité de cette Constitution.

M. Le Blanc propose de rejeter l'article.

M. Connelly propose de déposer la motion sur le bureau.

Sur cette motion, M. Preaux demande l'appel nominal.

Pendant la discussion de la dite motion, sur motion, la Convention s'ajourne à demain 9 heures A. M.

#### VENDREDI, 16 juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le révérend M. Woodbridge fait l'ouverture des délibérations par des prières.

L'honorable D. F. Kenner, président de la Convention, occupe le fauteuil et 87 délégués répondent à l'appel.

Sur motion, la Convention accorde un congé à MM. Talbot, Dalferes, Pugh, Williams, Hébert et Marrero.

M. Moss, de la part de la minorité du comité de la franchise électorale, soumet le rapport qui suit :

La minorité du comité de la franchise électorale, auquel a été référé le projet d'une loi d'enregistrement, n'ayant pu s'accorder avec la majorité du dit comité qui voudrait obliger la Législature à passer une telle loi, a l'honneur de soumettre ce qui suit :

Les soussignés croient inutile d'emcombrer la Constitution d'un sujet qui est du ressort exclusif de la Législature. Ce serait forcer la Législature à passer cette loi en vertu du serment même que ses membres prêtent de soutenir et de défendre la Constitution, quoique, d'ailleurs, le peuple puisse y être opposé.

Nous croyons donc que la Convention devrait laisser ce sujet à la Législature; et le peuple pourra alors demander le décret de cette loi s'il le juge nécessaire.

[Signé]

A. J. Moss,

De la part de la minorité.

Le même délégué, au nom de la minorité du même comité, présente le rapport suivant :

Les soussignés, membres du comité de la franchise électorale, ne concourant pas avec la majorité dans cette partie du rapport qui exige qu'un individu ait été citoyen des Etats-Unis pendant un an avant d'avoir le droit de suffrage, ont l'honneur de présenter :

Les soussignés sont d'opinion que celui qui possède les autres qualifications requises par la loi devrait jouir du droit de suffrage dès l'instant même qu'il devient citoyen des Etats-Unis, parce que d'après la Constitution et les lois des Etats-Unis, un citoyen naturalisé est immédiatement revêtu de tous les droits et de toutes les prérogatives de la citoyenneté. L'exclusion temporaire que la Constitution de cet Etat et celle de plusieurs autres Etats font des citoyens naturalisés relativement au droit de suffrage est une exception à ce principe général, et cette exception est injuste et impolitique tant qu'elle n'est pas fondée sur de bonnes et solides raisons. Les soussignés pensent que cette exception n'est pas autorisée par des motifs valables ou une nécessité suffisante.

Le Congrès a fréquemment discuté la question du temps qu'il convenait de fixer pour qu'un étranger devienne citoyen des Etats-Unis. Le Congrès s'est décidé à le fixer à cinq ans, ce que les soussignés croient plus que suffisant. Ce laps de temps offre toute la garantie nécessaire parce qu'à son expiration, un étranger doit nécessairement avoir contracté des relations sociales ou des transactions d'affaires. Lorsque le Congrès a fixé le laps de cinq ans, il est clair qu'il ne s'attendait pas à ce que les Conventions des divers Etats exigeassent un temps d'épreuves plus long. Les Constitutions que d'autres Etats ont adoptées pendant les cinq dernières années établissent le principe que nous défendons ici, en abrégant la résidence requise pour qu'un citoyen naturalisé acquière le droit de suffrage après sa naturalisation. Plusieurs Etats même sont allés au point de permettre aux étrangers et aux citoyens des autres Etats indistinctement,



de voter après avoir résidé dans l'Etat pendant le laps de temps requis par la loi.

On ne nous a donné aucune bonne raison pour prouver qu'un citoyen des Etats-Unis qui a résidé un an dans l'Etat et six mois dans une paroisse ne devrait pas avoir le droit de suffrage. Une politique sage et libérale exigerait qu'ils eussent ce droit.

Nous recommandons donc l'adoption du substitut qui suit :

Art. 10. — Tout individu mâle, libre et blanc qui aura atteint l'âge de 21 ans, et qui aura résidé dans cet Etat pendant les douze mois qui précéderont immédiatement l'élection et pendant les six derniers mois dans la paroisse dans laquelle il se présente pour voter et qui sera citoyen des Etats-Unis exercera le droit d'électeur. Excepté dans les cas de trahison, de félonie ou d'atteinte à la paix ou à la sûreté publique, les électeurs ne pourront être arrêtés pendant qu'ils seront aux lieux d'élections ou qu'ils s'y rendront, ou qu'ils en reviendront.

[Signé]

A. J. Moss,

De la part de la minorité.

M. Benjamin présente la résolution suivante qui est adoptée :

Résolu que le président nomme un comité de cinq membres nommé "Comité du Style" et que ce comité sera chargé d'examiner les divers titres de la Constitution à mesure qu'ils seront adoptés et de rectifier toutes les erreurs et toutes les ambiguïtés qui auront échappé à l'attention de la Convention. Et que ce comité soumette à la Convention les corrections qu'il croira nécessaires.

Le président nomme MM. Benjamin, Bullard, Hays, Jourdan et Edwards d'Orléans membres de ce comité.

M. Isaacks présente l'article suivant :

La Législature pourra étendre la juridiction des juges de paix à tous les crimes et délits d'une nature secondaire.

Sur motion de M. Preaux, la discussion de cet article est renvoyée à mardi 20 courant, pour être faite conjointement avec le rapport du comité du judiciaire.

M. Delony présente l'article suivant et demande qu'il soit compris dans le titre des dispositions générales :

Art — Le secrétaire d'Etat, le trésorier d'Etat, l'avocat général, les juges de la Cour Suprême, les juges des Cours inférieures ou des Cours de District, les avocats de district, les juges de paroisse, les shérifs, les greffiers des Cours de District et de paroisse, les juges de paix, les coroners et les constables seront élus par les électeurs de l'Etat et l'assemblée générale y pourvoiera.

Sur motion du même délégué le dit article est renvoyé jusqu'à ce que la Convention ait pris en considération le rapport du comité du judiciaire.

M. Olivier de Ste Marie ayant voté avec la majorité sur l'adoption du substitut à l'article 108, en demande et en obtient la reconsidération.

Le substitut est à l'ordre et M. Olivier fait la

motion d'effacer les mots "par un petit jury." Cette motion prévaut et sur une motion subséquente, le substitut ainsi amendé est adopté.

## ORDRE DU JOUR.

### AFFAIRES NON TERMINEES.

La Convention, reprend la considération de l'article 130 dont elle s'occupait lorsqu'elle s'est ajournée hier.

La question est sur la motion faite par M. Connely de déposer sur le bureau la motion faite par M. LeBlanc de rejeter l'article 108.

Sur motion de M. Preaux, on fait l'appel nominal et

MM. Anderson de St-Landry, Akenhead, Anderson de Carroll, Addison, Bradford, Benjamin, Bernard, Brother, Boyer, Bullard, Byrne, Carter, Collens, Connely, Conrad, Davidson, Delony, Dorsey, Dosson, Duffell, Edwards de Washington, Eggleston, Eustis, Guion, Hatch, Hayes, Harris, Hargis, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King de Jackson, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews d'Orléans, Mathews de Pte Coupée, Martin, Olivier de Ste-Marie, Palfrey, Patterson, Price, Pierce, Pierson, Pujo, Reeves, Richardson du Oua., Roselius, Roysden, Ronquillo, Sandidge, Smart, Swazey, Shaw, Scarborough, Shelton, Smith de Winn, Stewart, Tattman Taliaferro, Thibodeaux, Thompson, Todd, Van Wickle, Waddill et Whittington.

73 délégués votent dans l'affirmative et

MM. Andrews, Armant, Bartlett, Bienvenu, Boudousquié, Castellanos, Campbell, Cotton, Declouet, Douglass, Dufour, Dugué, Edwards d'Orléans, Gardère, Hernandez, Herron, King de St-Landry, Leefe, LeBlanc, Matter, Moss, Mongé, Nicholls, Olivier de St-Martin, Parham, Paxton, Preaux, Roman, St-Paul, Staës, Smith d'O. Féliciana, Sibley et Villeré.

33 délégués votent dans la négative.

Par conséquent, la proposition de Mr. Le Blanc est déposée sur le bureau.

Mr. Castellanos présente le substitut suivant à l'article ci-dessus.

Art. 130. La Législature passera, de temps en temps, telles lois qu'elle jugera convenables pour supprimer le duel dans l'Etat.

Sur motion, ce substitut est déposé sur le bureau et

Sur motion de Mr. Stewart l'article 130 est adopté sans amendements.

MM. Préaux, Hernandez et Staës demandent à enrégistrer leur vote. La Convention le leur accorde et ils votent contre l'adoption de cet article.

Mr. Preaux soumet par écrit les raisons pour lesquelles il a voté contre l'adoption de l'article 130. Sur motion, la Convention ordonne que cet écrit soit enrégistré dans le journal, en ces termes :

" Je vote dans la négative, parceque je regarde l'art. 130 de la Constitution de 1845 comme une loi pénale et que le coupable est obligé de déposer contre lui-même et est soumis à un jugement qui le prive de ses franchises sans



qu'il ait le droit de se faire entendre, ce qui est, dans mon opinion, contraire aux vrais principes d'un gouvernement républicain.

(Signé) ROBERT PREAUX.

La Convention s'occupe alors de l'article 89 qui avait été renvoyé afin d'être pris en considération en même temps que l'article 130.

Le substitut que Mr. Préaux a présenté le 14 courant est lu et, sur motion de Mr. Cotton, il est déposé sur le bureau.

Mr. Jones présente l'amendement suivant, qu'il propose d'insérer à la fin de l'article. "En outre, je jure solennellement que je n'ai pas offert ou donné de récompenses, ou acheté des voix soit directement, soit indirectement, pour obtenir mon élection. Cet amendement est rejeté.

Mr. Guion propose d'insérer, après les mots "que je," dans la première ligne de l'article, les mots suivants "défendrai la Constitution des Etats-Unis et celle de cet Etat et que je"

Cette motion prévaut.

Sur motion, l'article est adopté avec cet amendement

La Convention passe alors à l'article 131, qui est lu et adopté, savoir :

Art. 131.—La Législature aura le pouvoir d'étendre l'autorité de cette constitution et la juridiction de cet Etat sur tout territoire acquis par traité avec les Etats-Unis ou avec un Etat du consentement des Etats-Unis.

Mr. Swazey présente ce qui suit comme article additionnel :

Art.—Les pouvoirs qui ne sont pas accordés ou retenus par cette constitution resteront au peuple ou à ses représentants.

Sur motion de Mr. Hough, cet article est déposé sur le bureau.

Mr. Moss soumet ce qui suit comme ses raisons pour voter contre l'article 89 de la Constitution et demande qu'elles soient portées dans le journal.

"Je vote dans la négative parceque l'art. 89 obligerait nécessairement un individu qui se trouverait impliqué dans un duel à donner une forte présomption qu'il a commis une faute pénale en même temps qu'il lui inflige, par le fait même de sa confession, une partie de la peine dont il est passible."

Mr. Delony présente ce qui suit comme un article additionnel :

Art.—Le peuple de cet Etat a le droit exclusif de se gouverner comme un peuple libre, souverain et indépendant, et d'exercer tous les pouvoirs, tous les droits et toutes les prérogatives qui appartiennent à un peuple libre et qui ne sont pas ou ne seront pas expressément accordés au Gouvernement des Etats-Unis.

Sur motion, cet article est déposé sur le bureau.

Mr. Benjamin présente l'article suivant et demande qu'il soit inséré sous le titre des Dispositions Générales :

Art.—Aucunes des terres que le Congrès a concédées à cet Etat pour l'aider à construire les levées et les égouts nécessaires pour égouter

les terres marécageuses et inondées dans cet Etat, ne seront détournées des objets pour lesquelles elles ont été concédées.

Cet article est adopté.

L'article 132 de la Constitution est lu en ces termes :

Art. 132.—La Constitution et les lois de cet Etat seront promulguées en Anglais et en Français.

Mr. Thompson propose d'insérer, à la fin de cet article, "jusqu'à ce que la loi en dispose autrement.

Sur motion, cet amendement est déposé sur le bureau et l'article est adopté sans amendement.

Mr. Dufour propose d'ajouter au titre du département de l'Exécutif, les articles suivants :

Art.—Il y aura un Trésorier d'Etat qui restera en place pendant deux années

Art.—Le Secrétaire d'Etat et le Trésorier d'Etat seront élus par les électeurs de l'Etat.

Et lorsque la place de Trésorier ou de Secrétaire d'Etat deviendra vacante par suite de la mort, de la démission ou de l'absence d'un de ces fonctionnaires, le Gouverneur ordonnera une élection pour remplacer les dits fonctionnaires.

Mr. Olivier fait la motion d'effacer du 1er article le mot "deux" et d'y substituer le mot "quatre."

Sur motion de Mr. Herron cette motion est déposée sur le bureau.

Mr. King de Jackson propose d'amender le premier article en y ajoutant les mots suivants :

"Mais nul ne sera éligible à la place de Trésorier plus de deux fois pendant six années.

Sur motion de Mr. LeBlanc, cet amendement est déposé sur le bureau, et,

Sur une motion subséquente, les articles présentés par Mr. Dufour sont adoptés.

Mr. Herron propose d'ajouter l'article suivant à ceux que la Convention vient d'adopter :

Art.—Il y aura un auditeur des comptes publics qui sera élu par les électeurs de l'Etat et qui restera en place pendant le terme de deux années.

Mais cet article est rejeté.

Mr. Parham présente l'article suivant qu'il propose d'insérer sous le titre des "Dispositions Générales."

La Législature pourra étendre la juridiction des juges de paix au jugement des délits d'une importance secondaire; bien entendu, que l'accusé ne sera pas emprisonné pendant plus de dix jours, et qu'il ne lui sera pas imposé une amende de plus de 50 piastres à la discrétion du juge de paix.

Mr. Benjamin fait la motion de renvoyer la prise en considération de cet article à mardi, afin de le prendre en même temps que le rapport du comité du Judiciaire.

Cette motion prévaut.

La Convention prend, ensuite, en considération les rapports de la Minorité et Majorité du Comité sur la Franchise Electorale.

Mr. Waddill propose d'en renvoyer la considération, et demande que les dits rapports soient



imprimés à l'usage des membres de la Convention.

Cette motion est rejetée.

Mr. Byrne propose de prendre en considération, comme substitut à l'article premier rapporté par la majorité, l'article présenté par la minorité, qui est ainsi conçu :

Art. 10. Tout individu mâle, libre et blanc, s'il a atteint l'âge de vingt-et-un ans, résidé dans l'Etat pendant les douze mois qui auront immédiatement précédé l'élection, et pendant les derniers six mois, dans la paroisse dans laquelle il se présente pour voter ; et s'il est citoyen des Etats-Enis, aura le droit de suffrage. Dans tous les cas, excepté ceux de trahison, de félonie, de violation de la paix, ou d'atteinte à la sûreté publique, les électeurs jouiront du privilège de ne pouvoir être arrêtés pendant qu'ils seront aux lieux d'élection, ou qu'ils s'y rendront, ou qu'ils en reviendront.

Mr. Armant fait la motion de déposer le susdit article sur le bureau.

Sur laquelle motion Mr. Moss demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Anderson, de Carroll, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquié, Campbell, Collens, Conrad, Declouet, Dorsey, Douglass, Dufour, Duffel, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Guion, Hayes, Hodges, Jones, Key, King, de St Landry ; Leeds, Lobdell, Lyle, McMillen, Mathews, d'Orléans ; Martin, Mather, Olivier, de St Martin ; Palfrey, Preaux, Pujo, Richardson, de Ste Marie ; Roselius, Roman, Roysden, St Paul, Swazey, Smith, d'Ouest-Féliciana ; Sibley, Tatman, Thibodeaux, et Thompson votent dans l'affirmative—48.

Et MM. Addison, Beard, Bienvenu, Byrne, Castellanos, Carter, Cotton, Connelly, Davidson, Deloney, Dosson, Dugué, Eustis, Gardère, Hatch, Harris, Hargis, Herron Hough, Hunt, Isaacks, Jennings, Jourdan, King, de Jackson ; Leefe, LeBlanc, McIlhenny, Mathews, de Pointe-Coupée ; Moss, Monge, Nicholls, Parham, Paxton, Patterson, Price, Pierce, Reeves, Richardson, de Ouachita ; Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith, de Winn ; Stewart, Taliafero, Todd, Villeré, Waddill et Wittington votent dans la négative—50.

En conséquence la motion est rejetée, et la Convention fait la motion de déposer l'article sur le bureau.

M. Smart fait la motion de biffer dans le susdit article, les mots "douze mois" et "six mois", et d'insérer les mots "huit mois" et "quatre mois".

M. Dufour fait la motion de déposer l'amendement sur le bureau ; laquelle motion prévaut.

Les membres ci-après nommés demandent et obtiennent le privilège de faire enregistrer leurs votes contre la motion de déposer l'amendement sur le bureau, savoir :

MM. Richardson, de Ouachita ; Todd, Beard, Smart, Herron, Harris, King, de Jackson ; Dosson, Parham, Addison, Isaacks, Waddill, Boyer,

Cotton, Bienvenu, Eustis, Stewart, Sandidge, Van Wickle, Mathews, de Pointe-Coupée ; Pierce, Scarborough, Villeré, Wittington, Jourdan et Shelton.

M. Martin propose de biffer "douze mois" et "six mois" dans le susdit article, et d'insérer les mots : "deux ans" et "un an" ; cette motion est rejetée.

M. Todd fait la motion de biffer "douze mois", et d'insérer "neuf mois" ; et de biffer "six mois", et d'insérer "trois mois".

Sur la motion de déposer l'amendement sur le bureau, l'appel nominal est demandé et résulte comme suit :

MM. Anderson, de St Ly ; Akenhead, Andrews, Anderson, de Carroll ; Armant, Bradford, Benjamin, Bernard, Brother, Boudousquié, Byrne, Castellanos, Carter, Campbell, Collens, Connelly, Conrad, Davidson, Deloney, Declouet, Dorsey, Douglass, Dufour, Dugué, Duffel, Edwards, de Washington ; Eggleston, Gardère, Guion, Hatch, Hayes, Hargis, Hough, Hodges, Hunt, Jennings, Jones, Key, King, de St Landry ; Leefe, Leeds, Le Blanc, Lobdill, Lyle, McIlhenny, Mathews, d'Orléans ; Martin, Mather, Monge, Nicholls, Olivier, de Ste Marie ; Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pujo, Reeves, Richardson, de Ste Marie ; Roselius, Roman, Roysden, St Paul, Swazey, Smith, d'Ouest-Féliciana ; Sibley, Tatman, Thibodeaux et Thompson votent dans l'affirmative—70.

Et MM. Addison, Beard, Bienvenu, Boyer, Cotton, Dosson, Edwards, d'Orléans ; Eustis, Harris, Herron, Isaacks, Jourdan, King, de Jackson ; McMillen, Mathews, de Pointe-Coupée ; Moss, Olivier, de St Martin ; Parham, Pierce, Richardson, de Ouachita ; Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith, de Winn ; Stewart, Taliafero, Todd, Van Wickle, Villeré, Waddill et Wittington votent dans la négative—33.

En conséquence la motion prévaut, et l'amendement est déposé sur le bureau.

M. Carter présente alors le proviso suivant :  
"Bien entendu qu'un électeur ne perdra pas ses droits d'électeur dans une paroisse jusqu'à ce qu'il les ait acquis dans une autre".

Sur motion, le proviso est adopté.

M. Collens propose alors de biffer les mots "et qui sera citoyen des Etats-Unis", et d'insérer les mots :

"Qui aura été un an, citoyen des Etats-Unis".

M. Smart fait la motion de déposer la proposition sur le bureau.

Pendant la considération de la dite motion,

Sur motion, la Convention s'ajourne à lundi, 9 heures A. M.

M. Jourdan demande et obtient le privilège de faire enregistrer son vote contre la motion d'ajourner.

SEANCE de lundi, 19 juillet 1852.

La Convention se réunit conformément à l'ajournement.



L'Hon. D. F. Kenner occupe le fauteuil et 89 délégués répondent à l'appel.

Sur motion, la Convention accorde un congé à MM. Bartlett et Hargis.

M. Richardson, de Ste-Marie, demande et obtient l'autorisation de changer le vote qu'il a donné sur la motion que M. Armand avait faite de déposer sur le bureau la motion de M. Byrne d'adopter l'article 10 tel que l'avait rapporté le comité de la franchise électorale. Ayant voté d'abord dans l'affirmative, M. Richardson vote maintenant dans la négative.

Le même délégué demande et obtient la permission d'enregistrer son vote en faveur de l'adoption de l'article 130.

M. Besançon obtient aussi la permission d'enregistrer son vote contre l'adoption de l'article 130.

M. Todd, de la part du comité des amendements de la Constitution, soumet le rapport qui suit :

Le comité des amendements à la Constitution, auquel a été référée la proposition du délégué d'Est-Féliciana (le général Carter), relativement au mode d'amender la Constitution, a l'honneur de représenter

Qu'il croit que le mode de révision que prescrit la Constitution actuelle contient des restrictions inutiles, qu'il présente trop d'obstacles aux changements qu'il y aurait à faire dans la loi organique et qu'une méthode plus expéditive, qui exigerait moins de temps et de formalités en même temps qu'elle offrirait au peuple tout le temps nécessaire pour délibérer et donner sa sanction aux changements projetés, dispenserait de la nécessité de convoquer une Convention et épargnerait les dépenses qu'elle pourrait occasionner. Il recommande donc ce qui suit comme substitut à l'article de l'ancienne Constitution :

Art. — Tous les amendements à cette Constitution seront proposés au Sénat ou à la Chambre des Représentants, et si les deux tiers des membres élus à chacune des deux Chambres y concourent, les dits amendements seront enregistrés dans les journaux des deux Chambres avec le nom des membres qui auront voté pour ou contre respectivement, et le secrétaire d'Etat les fera publier, en français et en anglais, pendant les trois mois qui précéderont la prochaine élection générale des représentants à la Législature de l'Etat, dans au moins un des journaux publiés dans chaque paroisse de cet Etat, où il se publie un journal; et les dits amendements seront soumis au peuple à la dite élection, et si la majorité des électeurs qui auront voté à la dite élection les approuvent et les ratifient, les dits amendements feront partie de la Constitution de cet Etat. S'il est soumis plus d'un amendement à la fois, les dits amendements seront soumis de telle manière que le peuple puisse voter pour ou contre chaque article séparément.

(Signé) R. B. TODD, Rap.

Sur motion de M. Richardson, du Ouachita, la Convention ordonne l'impression de deux cents exemplaires du rapport ci-dessus.

M. Guion, de la part du comité du départe-

ment du législatif, présente le rapport suivant :

Le comité du Département du Législatif, auquel ont été référés les articles 8, 15 et 16 de la Constitution, a l'honneur de représenter:

Qu'après avoir donné à ce sujet une considération attentive, il est d'opinion que l'article 8 exige des amendements considérables et il a l'honneur de présenter un substitut qui renferme et embrasse ses vues à cet égard. Il croit que les articles 15 et 16 devraient être adoptés sans amendement.

(Signé) GEORGE S. GUION, Rap.

Art. 8.—La représentation dans la Chambre des Représentants sera égale et uniforme, et sera réglée et déterminée par la population totale de chacune des paroisses de cet Etat. Chaque paroisse aura au moins un représentant; il ne sera créé aucune nouvelle paroisse avec un territoire de moins de six cent vingt-cinq milles carrés, ni avec un nombre d'électeurs moindre que le nombre entier donnant droit à un représentant, ni lorsque la création d'une telle nouvelle paroisse réduirait toute autre paroisse à une moindre étendue de territoire et à un nombre moindre d'électeurs. Le premier dénombrement à faire par les autorités de l'Etat en vertu de cette Constitution, sera fait en l'année 1853, le second en l'année 1858, le troisième en l'année 1863 et les dénombremens subséquents seront faits tous les dix ans par la suite, en la manière qui sera prescrite par la loi à l'effet de déterminer la population totale et le nombre des électeurs ayant qualité pour voter dans chaque paroisse ou dans chaque district électoral. A la première session régulière de la Législature, après que chaque dénombrement aura été fait, la Législature répartira la représentation parmi les diverses paroisses et districts électoraux sur la base de la population totale, comme il est dit ci-dessus. Un nombre représentatif étant fixé, chaque paroisse ou district électoral aura le nombre de représentants auquel sa population lui donnera droit, et un représentant additionnel pour toute fraction excédant la moitié du nombre représentatif. Le nombre des Représentants ne sera jamais au-dessus de cent, ni au-dessous de soixante-dix.

Jusqu'à ce qu'une répartition ait été faite et que les élections aient eu lieu d'après la dite répartition, conformément à la première énumération qui sera faite, comme le prescrit cet article, la représentation dans le Sénat et la Chambre des Représentants restera telle qu'elle est actuellement établie par la loi.

Les limites de la paroisse d'Orléans sont, par le présent, agrandies de manière à embrasser tout ce qui compose aujourd'hui la ville de la Nouvelle-Orléans, en y comprenant cette partie de la paroisse Jefferson, qui était ci-devant connue comme la ville de Lafayette.

Toute cette partie de la paroisse d'Orléans qui est située sur la rive gauche du Mississippi, sera divisée par la Législature en un nombre de districts représentatifs qui n'excédera pas dix. Et jusqu'à ce qu'une répartition soit faite d'après le premier recensement qui sera pris en



vertu de cette Constitution, toute cette partie de la ville de la Nouvelle-Orléans qui était comprise dans les limites de la ville de Lafayette sera annexée au premier District représentatif et en fera partie, et les autres Districts représentatifs resteront tels qu'ils sont.

Art. 15. — La Législature, chaque année qu'elle répartira la représentation dans la Chambre des Représentants, divisera le Sénat en districts sénatoriaux. Nulle paroisse ne sera divisée pour la formation d'un district sénatorial, la paroisse d'Orléans exceptée. Et toutes les fois qu'une nouvelle paroisse sera formée, elle sera annexée au district sénatorial dont le territoire aura le plus contribué à sa formation, ou à toute autre district contigu, à la discrétion de la Législature; mais elle ne sera pas annexée à plus d'un district. Les Sénateurs seront au nombre de trente deux, et ils seront répartis entre les districts sénatoriaux d'après la population totale contenue dans les divers districts; bien entendu que nulle paroisse n'aura droit à plus d'un huitième du nombre entier des Sénateurs.

Art. 16. — Dans toutes les répartitions du Sénat, la population de la ville de la Nouvelle-Orléans sera déduite de la population de tout l'Etat; le restant de la population sera divisé par le nombre vingt-huit, et le résultat produit par cette division sera le chiffre de proportion donnant à un district sénatorial droit à un Sénateur. Les paroisses, soit seules, soit réunies, mais contigues, seront formées en districts ayant une population la plus rapprochée qu'il sera possible du nombre donnant à un district droit à un Sénateur; et si dans la répartition à faire il se trouve une paroisse ou un district dont la population soit plus forte ou plus faible d'un cinquième que le chiffre de proportion, alors il pourra être formé un district n'ayant pas plus de deux Sénateurs et non autrement. — Aucune répartition nouvelle n'aura pour effet d'abrégier la durée des fonctions d'un Sénateur déjà élu à l'époque où la répartition sera faite. — Lorsque le dénombrement aura été fait conformément aux dispositions de l'article 8, et que l'Assemblée Générale se sera réunie, la Législature ne pourra passer aucune loi tant qu'une répartition n'aura pas été faite pour les deux Chambres de l'Assemblée Générale.

Sur motion, la Convention ordonne l'impression de 200 exemplaires de ce rapport.

M. Smart demande la reconsidération du vote donné vendredi dernier, sur l'article présenté par M. Benjamin relativement aux terres concédées à cet Etat par les Etats-Unis.

Sur motion de M. Parham, cette demande est déposée sur le bureau, sujette à l'appel de la Convention.

M. Roman, de la part de la majorité du comité des dispositions générales, présente le rapport suivant :

Le comité des dispositions générales auquel ont été référés les articles 113, 114, 121, 122, 123, 124 et 125 et diverses résolutions relatives aux améliorations intérieures et aux terres ma-

recageuses concédées à cet Etat par les Etats-Unis, a l'honneur de présenter pour rapport les articles suivants :

Art. 113. — Le crédit de l'Etat ne sera en aucune manière prêté ou donné en aide à aucune association ou corporation, excepté celles qui seront constituées dans le but de faire des améliorations intérieures dans les limites de l'Etat; et la foi de l'Etat ne sera pas engagée au profit d'aucune corporation ou compagnie d'actionnaires pour plus d'un cinquième du fonds capital de la dite corporation ou compagnie et les obligations ne seront fournies ou les paiements faits qu'en proportion du capital actuellement voté par les actionnaires.

Art. 114. — L'Etat ne contractera aucune dette comme il est prescrit ci-dessus, à moins qu'elle ne soit autorisée par une loi pour un objet ou une entreprise unique et formellement spécifiée dans la loi qui ne prendra vigueur qu'après qu'elle aura été soumise au peuple à une élection générale et aura reçu une majorité des voix données pour ou contre à la dite élection. Le montant total de dettes et d'obligations que l'Etat pourra contracter en vertu de cet article et de l'article qui précède n'excédera jamais la somme de huit millions de piastres.

Art. 121. — Devrait être rejeté.

Art. 122. — Des corporations ayant le privilège de faire des opérations de banque ou d'escompte seront créées, soit par des lois spéciales, soit en vertu de lois générales. Mais, dans tous les cas, la Législature pourvoiera à l'enregistrement de tous les billets et de toutes les obligations qu'elles émettront comme numéraire et elle exigera de bonnes garanties pour assurer la remise de ces effets en espèces.

La Législature ne pourra passer de lois autorisant en aucune manière, directement ou indirectement aucune personne, association ou corporation qui émet des billets de banque d'aucune nature que ce soit à suspendre ses paiements en espèces.

Art. 124. — En cas d'insolvabilité d'aucune banque ou compagnie faisant des opérations de banque, les détenteurs de billets émis par la dite banque ou compagnie seront soldés de préférence à tous les autres créanciers de la dite institution.

Art. 125. — La Législature pourra passer telles lois qu'elle jugera convenables pour le renouvellement de la Banque des Citoyens de la Louisiane et les actes qui ont déjà été passés à cet effet sont par le présent ratifiés et approuvés.

#### TITRE VII.

##### *Améliorations Intérieures.*

Art. — Il y aura un bureau des travaux publics qui se composera de quatre commissaires. L'Etat sera divisé en quatre districts contenant, autant que possible, un nombre égal d'électeurs et il sera élu, dans chaque district, un commissaire qui restera en place pendant quatre ans, mais des quatre premiers qui seront élus, il en sera désigné au sort deux qui ne seront en fonctions que pendant deux ans.



Art.—A la première session qu'elle tiendra après l'adoption de cette Constitution, l'Assemblée Générale pourvoiera à l'élection et au salaire des commissaires et à l'organisation du bureau. Les commissaires qui seront élus à la première élection s'assembleront le jour fixé par la loi et décideront au sort l'ordre dans lequel leur terme d'office expirera.

Art.—Les commissaires devront diriger avec diligence et fidélité tous les travaux publics dans lesquels l'Etat sera intéressé. Ils transmettront de temps en temps à l'Assemblée Générale leurs vues concernant ces travaux et recommanderont les mesures qu'ils jugeront nécessaires afin de disposer, avec le plus d'avantages, et pour les fins pour lesquelles elles ont été données, des terres inondées et marécageuses concédées à cet Etat par les Etats-Unis. Ils nommeront tous les officiers qui seront employés aux travaux publics et rempliront tous les devoirs qui leur seront imposés par la loi.

Art.—Les commissaires pourront être démis de leur emploi par le concours d'une majorité des deux Chambres de l'Assemblée Générale. Mais la cause de leur déplacement sera portée dans le journal des deux Chambres.

Art.—L'Assemblée Générale pourra, par un vote des trois cinquièmes des membres élus de chacune des deux Chambres, abolir ce bureau, lorsqu'elle croira que ce bureau des travaux publics ne sera plus nécessaire.

Le comité s'est aussi occupé attentivement des résolutions et des articles qui lui ont été référés relativement aux personnes de couleur libres et aux esclaves, et la majorité des membres du comité est d'opinion que l'intérêt public n'exige pas l'insertion d'aucun article de cette nature dans la Constitution.

(Signé) A. B. ROMAN, Rapporteur.

Sur motion de M. Sandidge, la Convention ordonne l'impression de cinq cents exemplaires de ce rapport et le met à l'ore du jour pour jeudi 22 courant.

M. Richardson de Ste Marie, présente la résolution suivante :

Résolu qu'à partir d'aujourd'hui la Convention tiendra, outre ses sessions du matin, des sessions du soir qui commenceront à 6 heures P. M.

M. Castellanos fait la motion de déposer cette résolution sur le Bureau.

Sur la motion, M. Richardson de Ste-Marie demande l'appel nominal et il paraît que

MM. Besançon, Beale, Beard, Boyer, Bullard, Buisson, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Douglass, Duffel, Hatch, Harris, Herron, Hébert, Hodges, Jennings, King de Jackson, Leeds, Lyle, McIlhenny, Mathews de Pte C., Moss, Mongé, Olivier de Ste-Marie, Pujo, Ronquillo, Smart, Swazey, Scarborough, Simms, Talbot, Todd, Waddill et Wittington.

38 délégués votent dans l'affirmative et

MM. Anderson de St-Landry, Akenhead, Avery, Anderson de Carroll, Armant, Addison, Bernard, Bienvenu, Brother, Boudousquié, Byrne, Collens, Dalferes, Declouet, Dorsey, Leefe, LeBlanc, Lobdell, McMillen, Martin, Nicholls,

Olivier de St-Martin, Parham, Palfrey, Paxton, Preaux, Pierce, Reeves, Richardson du Ouach., Richardson de Ste-Marie, Rixner, Dosson, Dugué, Edwards de W., Eggleston, Eustis, Farmer, Gardère, Guion, Hough, Isaacks, Jourdan, Jones, Key, King de St-Landry, Lapeyre, Risk, Roman, Roysden, Robinson, Sandidge, St-Paul, Shelton, Smith de Winn, Sibley, Stewart, Tatman, Taliafero, Thibodeaux, Thompson, Van-Wickle et Villeré.

62 délégués votent dans la négative,

Par conséquent, cette motion est déposée sur le bureau, et la résolution est adoptée.

M. Risk présente la résolution suivante :

Résolu que l'Imprimeur de la Convention soit autorisé à imprimer——exemplaires du journal et des débats de la Convention, conformément aux conditions qui lui ont déjà été posées par la Convention.

M. Risk propose de remplir le blanc, dans l'asusdite resolution, par le mot "mille".

M. Herron propose d'amender cette motion en insérant les mots "deux mille".

M. King, de St Landry, fait la motion de déposer cette résolution sur le bureau, et la Convention y accède.

## ORDRE DU JOUR.

### AFFAIRES NON-TERMINEES.

La Convention reprend la considération de de l'article 10, tel qu'il a été soumis par la minorité du comité de la Franchise Electorale, et dont elle s'occupait vendredi dernier, lors de son ajournement.

M. Smart demande le rejet de l'amendement que M. Collens a présenté à cet article.

M. Cotton demande l'appel nominal, et il paraît que

MM. Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Castellanos, Carter, Cotton, Connely, Dalferes, Dosson, Dugué, Eustis, Farmer, Gardère, Hatch, Harris, Herron, Hébert, Hough, Isaacks, Jennings, Jourdan, Key, Leefe, Leeds, Le Blanc, McIlhenny, McMillen, Mathews, de Pointe-Coupée; Moss, Monge, Nicholls, Olivier, de St Martin; Parham, Paxton, Pierce, Pujo, Reeves, Richardson, de Ste Marie; Risk, Roysden, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith, de Winn; Simms, Stewart, Tatman, Talbot, Taliafero, Thibodeaux, Todd, Villeré, Waddill et Wittington votent dans l'affirmative—61.

Et MM. Anderson, de St Landry; Akenhead, Avery, Anderson, de Carroll; Armant, Bernard, Brother, Boudousquié, Buisson, Campbell, Collens, Conrad, Declouet, Dorsey, Douglass, Duffel, Edwards, de Washington; Eggleston, Guion, Hodges, Jones, King, de St Landry; Lapeyre, Lobdell, Lyle, Martin, Olivier, de Ste Marie; Palfrey, Preaux, Rixner, Roman, St Paul, Swazey, Scarborough, Sibley, Thompson et Wilcoxon votent dans la négative—37.

En conséquence la motion prévaut et l'amendement est déposé sur le bureau.

M. Collens propose alors de biffer les mots suivants "et qui sera citoyen des Etats-Unis", et



d'insérer les mots " qui aura été depuis un mois, au moins, citoyen des Etats-Unis.

Pendant la considération de la dite motion, M. Jennings propose de renvoyer la considération du sujet entier, jusqu'à ce que la Convention s'occupe de l'article 3, contenu dans le rapport de la majorité du comité sur la Franchise électorale.

La Convention passe alors à l'article 3 du susdit rapport, qui est ainsi conçu :

Art.— " La Législature devra pourvoir par la loi à l'enrégistrement des noms et résidences de tous les électeurs de la ville de la Nouvelle-Orléans, et pourra aussi pourvoir à l'enrégistrement des noms des électeurs dans toutes paroisses ou villes où le dit enrégistrement sera nécessaire."

M. Jennings fait la motion d'insérer après le mot "Orléans", les mots suivants : "Au moins cinq jours avant une élection".

M. Preaux propose de renvoyer le sujet et de le mettre à l'ordre du jour pour mercredi, le 21 courant à la session du soir.

M. Bienvenu demande la question préalable, qui prévaut.

M. Eustis ayant voté avec la majorité sur la demande de la question préalable, en demande la reconsidération—Accordé

Le même délégué présente alors le proviso suivant :

" Bien entendu, que l'enrégistrement des noms ne sera pas aux frais des électeurs".

M. Besançon fait la motion de déposer le sujet entier sur le bureau.

Sur quoi, M. Cotton demande l'appel nominal qui présente le résultat suivant :

MM. Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Carter, Cotton, Dosson, Farmer, Hatch, Herron, Hébert, Hough, Isaacks, King, de Jackson ; McMillen, Mathews, de Pointe-Coupée ; Moss, Parham, Paxton, Pierce, Reeves, Richardson d'Ouachita ; Risk, Robinson, Ronquillo, Sandidge, Smart, Shelton, Smith, de Winn ; Simms, Stewart, Talbot, Taliaferro, Villeré, Waddill et Wittington votent dans l'affirmative—40.

Et MM. Anderson, de St Landry, Akenhead, Avery, Armant, Anderson, de Carroll ; Bernard, Brother, Boudousquié, Buisson, Castellanos, Campbell, Collens, Connelly, Conrad, Declouet, Dorsey, Douglass, Dugué, Edwards, de Washington ; Eustis, Gardère, Guion, Hodges, Jennings, Jourdan, Jones, King, de St Landry ; Lapeyre, Leefe, Leeds, Lobdill, Lyle, McIlhenny ; Martin, Mather, Monge, Nicholls, Olivier, de Ste Marie ; Palfrey, Preaux, Pujo, Richardson, de Ste Marie ; Rixner, Roman, Roysden, St Paul, Swazey, Scarborough, Tatman, Thibodeaux, Thompson, Todd, Van Wickle et Wilcoxon votent dans la négative—54.

En conséquence, la motion de déposer sur le bureau est rejetée.

La question première devant la Convention étant l'amendement présenté par M. Jennings, elle est mise aux voix et décidée dans l'affirmative—en conséquence, l'amendement est adopté.

Le proviso présenté par M. Eustis étant alors en considération, est adopté.

M. Sandidge fait la motion de biffer les mots suivants : " Et pourra aussi pourvoir à l'enrégistrement des électeurs dans toutes paroisses ou ville où le dit enrégistrement sera nécessaire".

M. Cotton présente le proviso suivant :

" Bien entendu, que cette portion de la ville de la Nouvelle-Orléans, connue sous le nom de Quatrième District, et la paroisse de Jefferson seront exemptées des dispositions de cet article".

M. Eustis fait la motion de déposer le susdit amendement sur le bureau, et l'appel nominal est demandé, qui présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Anderson, de Ouachita ; Armant, Bernard, Brother, Boudousquié, Buisson, Castellanos, Campbell, Collens, Connelly, Conrad, Declouet, Dorsey, Douglass, Dugué, Edwards, de Washington ; Eustis, Gardère, Guion, Hodges, Jennings, Jones, Key, King, de St Landry ; Lapeyre, Leefe, Leeds, Lobdill, Lyle, McIlhenny, Martin, Mather, Monge, Nicholls, Olivier, de Ste Marie ; Palfrey, Paxton, Preaux, Pierce, Pujo, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Rizner, Risk, Roman, Roysden, St Paul, Swazey, Scarborough, Tatman, Thibodeaux, Thompson, Todd, Van Wickle et Wilcoxon votent dans l'affirmative—58.

Et MM. Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Byrne, Carter, Cotton, Dosson, Farmer, Hatch, Herron, Hébert, Hough, Isaacks, Jourdan, Le Blanc, McMillen, Mathews, de Pointe-Coupée ; Moss, Parham, Reeves, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith, de Winn ; Sibley, Simms, Stewart, Talbot, Taliaferro, Villeré, Waddill et Wittington votent dans la négative—38.

La motion prévaut, et l'amendement est, en conséquence, déposé sur le bureau.

Pendant la considération de la motion de M. Sandidge,

Sur motion, la Convention s'ajourne à demain matin à 9 heures.

MARDI, 20 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 84 délégués répondent à l'appel.

Le Révérend M. Gache fait l'ouverture des délibérations par des prières.

Sur motion de M. Hodges, la Convention accorde un congé à M. Davidson pour cause de maladie.

Sur motion de M. Bullard, la Convention accorde un congé à M. Pierson pour cause de maladie.

M. Roysden, de la part de la minorité du comité des dispositions générales, présente le rapport suivant :



Le soussigné, membre du comité des dispositions générales, n'adhérant pas entièrement au rapport de la majorité, a l'honneur de soumettre son rapport de minorité et de représenter que

Les restrictions renfermées par les articles 113, 114, 121, 122 et 123 de la Constitution actuelle furent, dans l'opinion du soussigné, les seules causes qui induisirent le peuple à demander cette Convention. Les autres amendements que l'on est sur le point de faire (si toutefois on en fait), auraient pu être retardés afin d'être adoptés par le mode ordinaire de réviser la Constitution. Les besoins du pays exigeaient que les articles que je viens de citer fussent plus promptement effacés de la Constitution et que des dispositions plus libérales y fussent substituées.

Le soussigné ne croit pas que les amendements que la majorité du comité propose aux articles 113, 114, 121 et 122 soient beaucoup plus libéraux ou plus conformes aux besoins du peuple ; et si le rapport de la majorité du comité était adopté et les dispositions qu'il recommande devenaient partie de la nouvelle Constitution, le soussigné n'hésiterai pas à déclarer que cette Convention s'est assemblée pour des objets d'une importance et d'une utilité presque nulles.

Il est vrai que le projet d'amendement à l'article 113 permet à l'Etat d'engager sa foi au profit d'une amélioration intérieure, pour un cinquième du fonds capital de toute corporation qui aurait cet objet en vue. Mais cette autorisation est tellement entourée de clauses restrictives, tant dans cet amendement que dans l'amendement suivant, que le soussigné craint fort qu'elle ne puisse être d'aucune utilité au pays. Le soussigné préfère encore l'article 114 de notre présente Constitution à tous les amendements qu'on y a proposés ; car, en vertu de cet article, on pourrait mettre en opération quelques grands travaux publics, avantageux à tout l'Etat, tandis que ces amendements ne permettraient peut-être pas l'exécution d'aucune amélioration publique.

Le substitut que l'on propose à l'article 122, ne satisfait pas, dans l'opinion du soussigné, aux besoins du peuple. Il est vrai qu'il autorise les Banques ; mais, aucune Banque, sinon celles connues comme Banques libres, ne pourraient opérer d'après ce substitut. Les Banques, communément appelées Banques privilégiées, ne seraient pas admises aux prérogatives de cette clause.

Ce substitut pourrait augmenter le capital des banques à la Nouvelle Orléans, mais il agirait comme une prohibition dans les campagnes si jamais elles croyaient utile d'avoir des Banques.

Le soussigné n'est pas porté à autoriser l'Etat à engager sa foi ou à établir un grand nombre de Banques ; mais il ne voudrait pas restreindre la législation future au point d'empêcher le développement des ressources de l'Etat et de refuser au commerce les facilités que lui donnerait un système judicieux d'améliorations intérieures.

Le soussigné recommanderait donc l'adoption des articles ci-annexés aux lieu et place des articles 113, 114 et 121, et le rejet des articles 122, 123 et 124.

(Signé)

D. F. ROYSDEN.

Art. 113.—La Législature n'engagera pas la foi de l'Etat pour le paiement d'aucune obligation, d'aucun billet ou d'aucune autre dette au profit et à l'usage d'aucune personne, corporation ou association politique ; à moins que ce ne soit des corporations ou des compagnies d'actionnaires qui auront pour unique objet quelques travaux d'amélioration intérieure et, dans ce cas, la foi de l'Etat ne pourra être engagée pour plus d'un cinquième du fonds capital inscrit et la loi qui engagera l'Etat ne sera obligatoire que lors qu'elle aura été passée par deux différentes sessions de la Législature.

Art. 114.—L'Etat ne pourra devenir actionnaire d'aucune corporation ou compagnie d'actionnaires (et dans aucun cas d'une compagnie ou d'une corporation faisant des opérations de Banque ou d'escompte), pour une somme excédant le cinquième du fonds capital de la compagnie, et il ne devra payer ses actions qu'en proportion du montant actuellement versé par les autres actionnaires. L'Etat ne pourra contracter d'obligation en vertu de cet article et de celui qui précède que pour la somme de huit millions de piastres.

Sur motion de M. Sandidge, la Convention ordonne l'impression de deux cents exemplaires de ce rapport.

M. Isaacks présente l'article suivant, qui est ainsi conçu :

La Cour Suprême tiendra ses sessions à la Nouvelle-Orléans, depuis le premier lundi de novembre jusqu'à la fin du mois de juin inclusivement, et aux Opelousas, à Alexandrie et à Monroe, aux époques qui seront fixées par la loi.

Sur motion du même délégué, cet article est déposé sur le bureau jusqu'à ce que le rapport du Comité du Judiciaire soit pris en considération.

M. Delony, de la part de la minorité du comité des Dispositions Générales, soumet le rapport suivant :

Les soussignés, membres du comité des Dispositions Générales, ne sont pas d'avis qu'il faille changer ou modifier l'article 113 de la Constitution ; mais, ils ont l'honneur de soumettre à la Convention le proviso suivant, qu'il conviendrait d'ajouter à cet article, soit textuellement, soit en substance, savoir :

*Bien entendu* que cet article ne sera pas interprété de manière à défendre à l'Etat de souscrire au fonds capital des chemins de fer ou des améliorations qui se feront dans ses limites ; et *bien entendu* que toute loi de l'Assemblée Générale, autorisant l'Etat à souscrire comme ci-dessus, soit approuvée par la majorité des électeurs de l'Etat à une élection générale.

Les soussignés proposent aussi le substitut suivant à l'art. 114, savoir :

Le montant total des dettes que l'Etat con,



tractera à l'avenir n'excèdera jamais la somme de cent mille piastres, excepté dans un cas de guerre, d'invasion ou d'insurrection. Mais, en vertu de l'article qui précède, l'Etat pourra devenir actionnaire d'une compagnie ou d'une corporation constituée dans le but d'établir un chemin de fer ou de faire d'autres améliorations, pour une somme qui n'excèdera pas le cinquième du fonds capital de la dite compagnie ou corporation. Bien entendu, que les dites souscriptions seront considérées comme un prêt garanti par des hypothèques spéciales sur les travaux et les matériaux de la dite corporation ou compagnie.

Les soussignés soumettent aussi ce qui suit comme substitut à l'article 121 :

“ L'Etat ne deviendra pas actionnaire au fonds capital d'aucune compagnie ou corporation faisant des opérations de Banque et ne sera pas propriétaire d'actions de Banque de quelque nature que ce soit.”

Ils recommandent aussi de conserver l'article 122, en l'amendant comme suit :

“ Il ne sera créé, renouvelé ou prolongé aucune corporation pour faire des opérations de Banque ou d'escompte, à moins que ce ne soit par une ‘loi générale’ de la Législature, qui sera d'abord soumise au peuple et approuvée par une majorité des électeurs de l'Etat.”

A cause des amendements qu'ils viennent de proposer, les soussignés ne croient pas qu'il conviendrait de supprimer entièrement les articles 123 et 124.

Ils proposeraient, par conséquent, d'amender l'article 125 ainsi qu'il suit :

“ La Législature n'accordera aucun monopole exclusif pour une période de plus de vingt ans ; mais tout monopole pourra être renouvelé à l'expiration de ce terme.”

Les soussignés ont l'honneur de vous soumettre tout ce qui précède.

(Signé)

EDWARD DELONY.

S. VAN WICKLE.

Sur motion de M. Roysden, la Convention ordonne l'impression de deux cents exemplaires de ce rapport.

M. Eustis, de la part de la minorité du comité des Dispositions Générales, soumet le rapport qui suit :

Le soussigné, membre du comité des Dispositions Générales, auquel ont été référés les articles 113, 114, 121, 122, 123, 124 et 125, et diverses résolutions relatives aux améliorations intérieures, présente le rapport de minorité qui suit :

Art. 113.—La Législature n'engagera pas la foi de l'Etat pour le paiement de bons, billets ou autres contrats ou obligations au profit ou à l'usage de qui que ce soit ni d'aucune corporation ou corps politique quelconque. Mais l'Etat aura le droit d'émettre de nouveaux bons en paiement des obligations ou des engagements qu'il a déjà contractés, qu'ils soient échus ou non ; toutefois, les dits nouveaux bons ne pourront pas être émis pour un montant plus considérable ni à un taux d'intérêt plus élevé que

les obligations originelles qu'ils seront destinés à remplacer.

Art. 114.—Le montant total des dettes qui seront contractées à l'avenir par la Législature n'excèdera jamais la somme de cent mille piastres, excepté dans le cas d'une guerre à soutenir, ou d'une invasion à repousser, ou d'une insurrection à étouffer, à moins que ces dettes ne soient autorisées par la loi pour quelque objet ou quelque ouvrage particulier formellement spécifié dans la loi, laquelle devra pourvoir par une taxe aux voies et moyens de paiement des intérêts courants pendant tout le temps pour lequel la dite dette aura été contractée et de remboursement entier et ponctuel à échéance du capital emprunté ; cette loi ne sera en vigueur qu'après qu'elle aura été passée par une majorité des membres élus à chacune des deux Chambres de l'Assemblée Générale et ratifiée par une majorité des électeurs de l'Etat à la prochaine élection générale ; et alors elle ne pourra être abrogée tant que le principal et les intérêts de la dette ne seront entièrement acquittés.

Art. 121.—L'Etat ne souscrira pas au fonds capital d'aucune compagnie ou corporation d'actionnaires.

Art. 122.—Il ne sera pas créé de corporations dans cet Etat par des lois spéciales, excepté les corporations politiques ou municipales ; mais la Législature pourvoiera, par des lois générales, à l'organisation de toutes les autres corporations et à l'enregistrement de tous billets ou de toutes obligations émis comme numéraire et exigera de bonnes garanties pour la rémission des dits effets en espèces.

Le soussigné concourt avec la majorité à l'égard des autres articles qu'elle a présentés dans son rapport, savoir, les articles 123 et 124.

Le soussigné est aussi du même avis que la majorité relativement au titre VI, intitulé “ Des Améliorations intérieures ” et relativement à ses conclusions concernant les personnes de couleur libres et les esclaves.

(Signé)

GEO. EUSTIS, JR.

Sur motion, la Convention ordonne l'impression de deux cents exemplaires de ce rapport.

M. Delony, de la part de la minorité du comité des Améliorations Intérieures, soumet à la Convention les articles suivants :

#### AMELIORATIONS INTERIEURES.

A la première session après l'adoption de cette Constitution, l'Assemblée Générale devra créer un Département de Levées ou d'Améliorations Intérieures dans le but de garantir les terres basses de cet Etat contre les inondations ; le dit Département opérera sur la garantie des terres marécageuses que les Etats-Unis ont concédées à l'Etat, et le produit de la vente des dites terres sera affecté à cet objet seulement.

Et l'Assemblée Générale passera toutes les lois nécessaires pour pourvoir à la vente des dites terres et établira un système général de levées, de digues, d'égoûts, etc., sous la direction d'ingénieurs ou de commissaires ou de tels autres officiers de l'Etat qu'elle jugera convenables pour veiller à la protection des dites terres.



Tout ce qui précède est respectueusement soumis à votre considération.

(Signé)

S. VAN WICKLE,  
EDW. DELONY.

Sur motion de M. Simms, la Convention ordonne l'impression de deux cents exemplaires de ce rapport pour son usage.

M. Thompson présente la résolution suivante :

Résolu que les articles 133, 134, 135, 136, 137, 138 et 139 soient référés au comité de l'éducation publique.

Sur motion du même délégué, cette résolution est référée au comité de l'éducation publique avec mission de faire son rapport le plus tôt possible.

M. King de St-Landry, propose de prendre en considération la résolution que M. Risk a présentée hier.

M. King de St-Landry fait la motion de remplir le blanc de cette résolution par les mots "deux mille exemplaires en anglais et mille en français. Cette motion est rejetée.

M. Risk propose, comme amendement, d'insérer les mots "mille exemplaires."

M. Cotton propose, comme sous-amendement, d'insérer les mots "cent cinquante."

La question est posée sur l'amendement de M. Risk qui est adopté.

M. Smart, fait la motion d'effacer, de l'amendement de M. Risk, le mot "mille" et d'y substituer " huit cents exemplaires en anglais et quatre cents en français." Mais cette motion ne prévaut pas.

M. Preaux fait la motion d'effacer "mille" et d'insérer les mots "mille copies en anglais et cinq cents copies en français. M. Risk accepte cet amendement et la résolution avec l'amendement, après lecture, est sur motion adoptée comme suit :

Résolu que l'imprimeur de cette Convention est requis d'imprimer mille copies en anglais et cinq cents copies en français du journal et des débats de la Convention. L'anglais et le français devront être publiés en volumes séparés.

#### ORDRE DU JOUR.

##### AFFAIRES NON TERMINEES.

La Convention reprend en considération l'article à la loi d'enregistrement tel qu'il est rapporté par la majorité du comité de la franchise électorale dont la Convention s'occupait hier à son ajournement.

M. Preaux fait la motion de différer à demain la prise en considération du dit article. Cette motion ne prévaut pas.

La Convention prend alors en considération le dit article et la question étant sur la motion de M. Sandidge d'effacer les mots suivants, savoir : „et pourra aussi pourvoir à l'enregistrement des électeurs dans toute paroisse ou ville dans laquelle le dit enregistrement sera jugé nécessaire."

Sur l'adoption du dit amendement M. Richardson de Ouachita demande l'appel nominal qui résulte comme suit :

MM. Addison, Besançon, Beale, Beard, Boyer,

Bullard, Carter, Campbell, Cotton, Connely, Conrad, Dalferes, Delony, Declouet, Dosson, Douglass, Duffel, Edwards de W., Farmer, Hatch, Harris, Hargis, Herron, Hébert, Hough, Hodges, Hunt, Isaacks, Jourdan, King de St-Landry, King de Jackson, Lapeyre, Leefe, Leeds, Lobdell, LeBlanc, McIlhenny, McMillen, Mathews de Pte-Coupée, Moss, Mongé, Olivier de Ste-M., Olivier de St-M., Parham, Paxton, Pierce, Phillips, Reeves, Richardson du Oua., Risk, Roysden, Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith d'O. F., Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Thompson, Todd, Van Wickle, Villeré, Waddill, Wittington et Wilcoxon.

70 délégués votent dans l'affirmative et

MM. Anderson de St-L., Akenhead, Avery, Anderson de Carrol, Armant, Bernard, Brother, Boudousquié, Buisson, Byrne, Castellanos, Collens, Dugué, Eggleston, Gardère, Guion, Jennings, Jones, Key, Lyle, Martin, Palfrey, Preaux, Richardson de Ste-M., Rixner, Roman, Robinson, St-Paul, Swazey, Shaw, Tatman et Thibodeaux.

32 délégués votent dans la négative.

Par conséquent la motion prévaut et les mots sont effacés.

M. Cotton fait la motion d'effacer de l'article le mot "devra" et d'y substituer le mot "pourra."

M. King de St-Landry, fait la motion de déposer cet amendement sur le bureau.

M. Phillips demande l'appel nominal qui résulte comme suit :

MM. Anderson de St-Landry, Akenhead, Avery, Anderson de Carroll, Armant, Brother, Boudousquié, Buisson, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dugué, Duffel, Edwards de St-Tammany, Eggleston, Gardère, Harris, Hargis, Hodges, Hunt, Jennings, Jones, Key, King de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Martin, Mongé, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Paxton, Preaux, Pujo, Rixner, Risk, Roman, Roysden, Swazey, St-Paul, Scarborough, Smith d'O. F., Tatman, Thibodeaux, Thompson et Wilcoxon.

55 délégués votent dans l'affirmative et

MM. Addison, Besançon, Bernard, Beale, Beard, Boyer, Bullard, Byrne, Carter, Cotton, Dalferes, Delony, Dosson, Farmer, Guion, Hatch, Herron, Hébert, Hough, Isaacks, Jourdan, King de Jackson, LeBlanc, McMillen, Mathews de Pte-C., Moss, Parham, Pierce, Philipps. Reeves, Richardson de Ste-Marie, Richardson du Oua., Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Todd, Van Wickle, Villeré, Waddill et Wittington.

48 délégués votent dans la négative.

Par conséquent l'amendement est déposé sur le bureau.

M. King de Jackson propose d'insérer à la suite du proviso de M. Eustis, les mots suivants : "ni aux frais de l'Etat."



M. Hunt, présente le substitut suivant au dit article :

Des lois seront établies pour constater par des preuves certaines, ceux des citoyens qui auront des qualités pour exercer le droit de suffrage.

M. King de St-Landry demande la question préalable. Laquelle demande est accordée.

La question première étant sur le substitut présenté par M. Hunt, la Convention ordonne qu'il soit déposé sur le bureau.

La proposition de M. King de Jackson étant alors devant la Convention, elle est déposée sur le bureau.

Les délégués dont les noms suivent demandent et obtiennent permission de faire enregistrer, leurs votes en faveur de la proposition de M. King de Jackson :

MM. Carter, Hatch, Addison et Jourdan.

Sur la motion d'adopter l'article ainsi qu'il est amendé et qui est ainsi conçu :

La Législature devra pourvoir par la loi à l'enregistrement des noms et résidences de tous les électeurs de la ville de la Nouvelle-Orléans.

M. Smart demande l'appel nominal qui présente le résultat suivant :

MM. Anderson de St-Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Armant, Brother, Boudousquié, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dugué, Duffel, Edwards de Pte C., Eggleston, Eustis, Gardère, Harris, Hodges, Hunt, Jennings, Jones, King de St-L., Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMullen, Martin, Mongé, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Preaux, Pujo, Rixner, Risk, Roman, Roysden, St-Paul, Swazey, Shaw, Scarborough, Smith d'O. F., Tatman, Thibodeaux, Thompson et Wilcoxon,

Votent dans l'affirmative—57. Et

MM. Addison, Besançon, Bernard, Beale, Boyer, Bullard, Carter, Cotton, Dalferes, Deloney, Dosson, Farmer, Guion, Hatch, Hargis, Herron, Hébert, Hough, Isaacks, Jourdan, King de Jackson, LeBlanc, Mathews de Pte C., Moss, Parham, Paxton, Phillips, Reeves, Richardson de Oua., Richardson de Ste-Marie, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Todd, Van Wickle, Villeré, Waddill et Wittington,

Votent dans la négative.—46.

En conséquence la motion prévaut et l'article est adopté ainsi amendé.

M. Jourdan présente par écrit les raisons pour lesquelles il a voté contre l'adoption du susdit article et demande et obtient qu'elles soient insérées sur le journal en ces termes :

Je vote non, étant d'opinion que le mot "devra" est trop impératif et impose des restrictions sur le peuple, et que le sujet est plutôt du ressort de la Législature.

JOURDAN, de Jefferson.

La Convention prend alors en considération l'article rapporté par la minorité du comité de la franchise électorale, avec l'amendement présenté par M. Collens. Lequel amendement est ainsi conçu :

"Qui aura été depuis au moins un mois citoyen des Etats-Unis."

Sur la motion de déposer l'amendement sur le bureau, M. Herron demande l'appel nominal qui présente le résultat suivant :

MM. Avery, Andrews, Anderson, de Carroll; Addison, Besançon, Beale, Boyer, Bullard, Buisson, Byrne, Carter, Cotton, Dalferes, Deloney, Declouet, Dosson, Dugué, Duffel, Edwards, de Washington; Eustis, Farmer, Gardère, Hatch, Harris, Hargis, Herron, Hébert, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King, de St Landry; Leefe, Leeds, Le Blanc, McIlhenny, McMullen, Mathews, de Pointe-Coupée; Moss, Monge, Olivier, de St Martin; Parham, Paxton, Pierce, Phillips, Pujo, Reeves, Richardson, d'Ouachita; Richardson, de Ste Marie; Risk, Roysden, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith, d'Ouest-Féliciana; Smith, de Winn; Sibley, Simms, Stewart, Talbot, Taliafero, Thompson, Van Wickle, Villeré, Waddill, Wittington et Wilcoxon votent dans l'affirmative—71.

Et MM. Anderson, de St Landry: Akenhead, Armant, Bernard, Brother, Boudousquié, Castellanos, Campbell, Collens, Connely, Conrad, Eggleston, Guion, Hough, Hodges, Lapeyre, Lobdill, Lyle, Martin, Olivier, de Ste Marie; Palfrey, Preaux, Rixner, Roman, St Paul, Swazey, Shaw, Scarborough, Tatman, Thibodeaux et Todd votent dans la négative—31.

La motion prévaut, et l'amendement est déposé sur le bureau.

M. Sandidge présente le proviso suivant, à être inséré après le mot "voter".

Bien entendu, que nul ne sera privé du droit de voter pour des fonctionnaires de Districts dans la paroisse où il réside, s'il a résidé dans le District pendant le laps de temps prescrit par cet article."

Sur motion de M. Hunt le susdit proviso est déposé sur le bureau.

M. Sandidge demande et obtient le privilège de faire enregistrer son vote contre la motion de M. Hunt de déposer le proviso sur le bureau

Lecture est faite comme suit de l'article, qui est alors adopté :

Art.—"Tout individu mâle, libre et blanc, s'il a atteint l'âge de 21 ans, et s'il a résidé dans l'Etat pendant les 12 mois qui auront immédiatement précédé l'élection, et pendant les derniers 6 mois dans la paroisse dans laquelle il se présentera pour voter, et s'il est citoyen des Etats-Unis, exercera les droits d'électeur. Dans tous les cas, excepté ceux de trahison, de félonie, de violation de la paix, ou d'atteinte à la sureté publique, les électeurs jouiront du privilège de ne pouvoir être arrêtés pendant qu'ils seront aux lieux d'élection ou qu'ils s'y rendront ou qu'ils en reviendront. Bien entendu qu'aucun électeur ne perdra son droit de suffrage dans une paroisse avant de l'avoir acquis dans une autre."

M. Preaux présente par écrit les raisons qui l'ont engagé à voter en faveur de la motion de M. Collens, qui exige qu'un citoyen naturalisé



ait été pendant un mois, au moins, citoyen des Etats-Unis, avant d'acquérir le droit de suffrage; Et aussi sur l'article qui impose à la Législature l'obligation de passer une loi "d'enregistrement."

"Je vote OUI, parce que l'intention de ces articles n'est pas d'imposer des restrictions aux citoyens naturalisés, mais seulement pour prévenir les nombreuses fraudes qui ont été jusqu'à présent commises, pour protéger le scrutin, et pour purifier la Franchise Electorale, et enlever les tentations qui sont attachées aux pratiques frauduleuses. (Signé) ROBERT PREAUX.

M. Collens présente la résolution suivante, qui est lue, et sur motion, référée au comité de Style.

"Résolu que les différents articles et clauses dans la Constitution, relatifs à la Franchise Electorale, soient compris sous un titre séparé."

La Convention prend en considération l'ordre spécial du jour :

Le rapport du comité du pouvoir judiciaire.

Sur motion de M. Hunt, le susdit rapport est renvoyé, sujet à l'appel de la Convention.

M. Leeds propose de passer au titre 8 de la Constitution : "De la révision de la Constitution", laquelle motion prévaut.

Sur motion de M. King, de St Landry, la Convention prend, comme substitut à l'article 8 de la Constitution, l'article rapporté par le Comité des Amendements à la Constitution, savoir :

Art 140—Toute proposition d'amender cette Constitution pourra être faite dans le Sénat ou dans la Chambre des Représentants, et si l'amendement ou les amendements proposés sont adoptés par les deux-tiers des membres élus à chaque Chambre et approuvés par le Gouverneur, ils seront portés sur leurs journaux respectifs avec les appels nominaux y relatifs, et le secrétaire d'Etat les fera publier en français et en anglais trois mois avant la prochaine élection des représentants à l'Assemblée Générale, dans au moins un journal de chacune des paroisses de l'Etat où se publiera un journal, et les amendements ainsi proposés, seront soumis au peuple à la dite élection; et si la majorité des électeurs ayant qualité pour voter, approuve et ratifie ces amendements, ils deviendront partie intégrante de la Constitution

Si plusieurs amendements sont soumis au peuple à la fois, ils seront soumis de cette manière et dans telle forme que le peuple puisse voter séparément pour ou contre chaque amendement.

M. Collens présente l'amendement suivant, à être inséré à la suite du susdit article, savoir :

"La Législature pourra, par une majorité des deux-tiers, approuvé par le Gouverneur et par une majorité du peuple, convoquer une Convention pour établir une nouvelle Constitution."

Sur motion, l'amendement est déposé sur le bureau.

M. Phillips fait la motion d'amender l'article en effaçant les mots "deux-tiers" et insérant "trois-cinquièmes".

M. King, de St Landry, demande la division

de la question, qui, étant faite, sur la motion d'effacer, est rejetée.

M. Taliaferro fait la motion d'effacer dans la troisième ligne, les mots suivants : "et approuvé par le Gouverneur."

M. King, de St Landry, fait la motion de déposer l'amendement sur le bureau; cette motion prévaut.

Sur motion, l'article rapporté par le comité des amendements à la Constitution, est adopté sans amendement.

M. Phillips propose alors de prendre en considération le rapport du comité judiciaire.

La Convention passe donc à l'article 62, qui est ainsi conçu :

"Le pouvoir Judiciaire sera confié à une Cour Suprême, à de telles Cours inférieures que la Législature pourra, de temps à autres, ordonner et établir, et à des justices de paix."

Mr. Eggleston fait la motion d'effacer le mot "ordonner" et d'insérer le mot "instituer." Cette motion est repoussée.

Mr. Olivier de Ste Marie propose d'insérer après les mots "Cour Suprême," les mots "Cours de Districts."

Mr. Hunt fait la motion de déposer l'amendement sur le Bureau; laquelle motion prévaut.

Mr. Castellanos fait la motion de déposer le rapport sur le Bureau sujet à l'appel de la Convention.

Cette motion est rejetée.

Sur motion de Mr. Hunt, l'article est adopté sans amendement.

L'article 63 est alors lu en ces termes, savoir :

"La Cour Suprême, sauf les cas ci-après spécifiés, exercera une juridiction d'appel seulement, laquelle juridiction embrassera toutes les affaires dans lesquelles la valeur de l'objet en litige, excèdera la somme de trois cents piastres; toutes les affaires dans lesquelles la constitutionnalité ou la légalité d'une taxe, d'un péage, d'un impôt, d'une amende, de confiscations et peines infligées par les corporations municipales sera mise en question; et dans les affaires criminelles elle s'étendra aux questions de droit seulement toutes les fois que la peine infligée sera la mort ou les travaux forcés, ou lorsque l'amende imposée excèdera la somme de trois cents piastres. La Législature aura le droit de restreindre la Cour Suprême aux questions de droit seulement dans les affaires civiles.

Mr. Lobdell fait la motion de biffer la dernière clause, à la suite du mot "piastres."

Mr. Herron propose, comme sous-amendement, d'insérer après le mot "seulement" dans la 2<sup>e</sup> ligne les mots suivants : "et dans les affaires jugées par un Juri, aux questions de droit seulement."

Mr. Swazey fait la motion de déposer les deux amendements sur le Bureau; cette motion prévaut.

M. Eggleston propose le substitut suivant au sus-dit article :

Art. 63—La cour suprême, sauf les cas ci-après spécifiés, exercera une juridiction d'appel seulement, laquelle juridiction embrassera toutes



les affaires dans lesquelles la valeur de l'objet en litige excèdera la somme de trois cents piastres; toutes les affaires dans lesquelles la constitutionnalité ou la légalité d'une taxe, d'un péage ou d'un impôt, quelqu'en soit l'espèce ou la nature, sera mise en question, cette juridiction embrassera également toutes les amendes, confiscations, et peines infligées par les corporations municipales, et dans les affaires criminelles, elle s'étendra aux questions de droit seulement toutes les fois que la peine infligée sera la mort ou les travaux de force, ou lorsque l'amende imposée excèdera la somme de trois cents piastres. La Législature aura le pouvoir de restreindre la juridiction de la Cour Suprême aux questions de loi dans les affaires civiles.

Sur motion de Mr. Hunt le substitut est déposé sur le Bureau.

Et sur une seconde motion l'article est adopté sans amendement.

Mr. Key ayant voté avec la majorité sur la motion d'adopter la résolution présentée, hier, par Mr. Richardson de Ste Marie, relative aux séances du soir, en demande la reconsidération, qui est accordée.

Sur la motion du même délégué la dite résolution est abrogée.

Sur motion, la Convention s'ajourne à demain matin à 9 heures.

#### MERCREDI, 21 juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. Harmond fait l'ouverture des délibérations par des prières.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil, et 104 délégués répondent à l'appel.

M. Taliaferro, de la part de la minorité du comité du Département Législatif, présente le rapport suivant :

Les soussignés, membres du comité du Département du Législatif, auquel ont été référés les articles 8, 15 et 16 de la Constitution, n'ayant pu s'accorder avec la majorité de ce comité, ont l'honneur de présenter un rapport séparé et de représenter ce qui suit :

Nous différons avec la majorité principalement relativement à la base de la représentation. La majorité du comité recommande d'adopter pour base la population totale de l'Etat. Cette base comprend, par conséquent, les esclaves et les personnes de couleur libres. La minorité du comité ne peut pas, en fixant la base de la représentation, reconnaître comme personnes les esclaves et les gens de couleur libres. D'après nos institutions, les esclaves n'ont pas d'existence politique. Dans cette circonstance, nous ne pouvons les regarder que comme propriétés, et nous nous opposerons toujours à ce que la propriété devienne la base de la représentation dans aucune des branches de la Législature, particuliè-

rement dans la branche la plus nombreuse. Si nous adoptons pour base la population totale, notre représentation ne sera jamais égale. Nous nous y opposons, donc, parce qu'elle serait contraire au génie des institutions républicaines, parce qu'elle attaque cette égalité parfaite de droits politiques qui devrait exister chez le peuple qui constitue seul le pouvoir gouvernemental, parce qu'elle est fondée sur des raisons frivoles et parce qu'elle engendrera le mécontentement et le découragement parmi le peuple, si elle est adoptée. C'est le principe même du républicanisme, que tout citoyen libre doit jouir d'une égalité aussi parfaite, quant aux droits politiques, qu'aucun autre citoyen libre de la même communauté. Dans les conciles de l'Etat, les désirs et les besoins de tous les citoyens devraient être également entendus et avoir le même poids et la même influence. En nous basant sur la population blanche ou en adoptant la base électorale, nous obtiendrions cette égalité d'une manière plus parfaite que par aucune autre méthode que nous puissions adopter. Mais nous n'obtiendrons jamais ce résultat si nous adoptons pour base la population totale; — ce que nous prouverons facilement. — Par exemple : D'après le recensement de 1850, la paroisse de Tensas contient une population de neuf cents blancs et huit mille cent-trente-huit esclaves, en tout, neuf mille quarante. D'après le même recensement, la paroisse de Concordia renferme une population blanche de huit cent-vingt-trois âmes et une population esclave de six mille neuf cent-trente-quatre âmes, faisant un total de sept mille sept cent-cinquante-huit habitants. Supposant que le nombre des Représentants soit de 100 et calculant d'après le même recensement, nous verrons que ces deux paroisses réunies ne renferment pas une population suffisante pour leur donner, collectivement, droit à un représentant, si nous basons la représentation sur les blancs seulement, et qu'elles n'ont de représentant qu'à cause de l'article qui exige que chaque paroisse ait un représentant. Mais si nous nous basons sur la population totale, la paroisse de Tensas aurait droit à deux Représentants, et la paroisse de Concordia aurait presque le chiffre nécessaire pour en élire le même nombre. De même, nous basant sur la population totale, la paroisse de Claiborne, qui possède une population blanche de quatre mille neuf cent-quarante-neuf âmes et la paroisse de Bienville, qui compte trois mille six cent-vingt-trois blancs, n'auraient droit qu'à un Représentant chacune. Nous voyons donc que la population blanche de Tensas et de Concordia, qui ne se monte qu'à dix-sept-cent-vingt-trois habitants, aura plus de pouvoir et d'influence à la Chambre des Représentants que celle de Claiborne et de Bienville, qui se monte à huit mille cinq cent-soixante-douze. La paroisse de Claiborne renferme mille soixante-dix-neuf électeurs et celle de Bienville en renferme sept cent-soixante-sept, faisant un total de 1846 électeurs dans les deux paroisses. Dans la paroisse de Tensas il y a 330 électeurs et dans la paroisse de Concordia il y en



a 280, en tout, dans les deux paroisses, 610. Par conséquent, 610 électeurs dans les paroisses de Tensas et de Concordia auraient plus de poids et d'influence que 1846 électeurs dans les paroisses de Claiborne et de Bienville, parce que ces deux dernières paroisses n'auraient droit qu'à deux Représentants tandis que celles de Tensas et de Concordia en éliraient trois.

Nous regardons comme un principe faux et inapplicable à la condition de ce pays, que la propriété doive être représentée aussi bien que les personnes. En Angleterre, où il y a des classes distinctes, où la société se compose de différents ordres clairement définis, où tous les propriétaires se trouvent dans une ou deux classes, tandis que l'autre classe est composée d'une grande partie du peuple qui ne possède pas de propriétés et qui ne peut posséder de biens fonds, cette doctrine est acceptée et il n'y a pas de doute qu'elle soit équitable; car, dans une société ainsi organisée, il faut que les droits de la propriété soient garantis contre les empiétements qui n'ont aucun intérêt à les protéger. Mais l'état des choses est tout-à-fait différent en Louisiane. Nous pouvons avancer en toute sûreté que la majorité des électeurs de tout l'Etat (excepté la Nouvelle-Orléans) est composée de propriétaires. Un grand nombre d'entre eux possède des terres ou des esclaves ou des terres et des esclaves en même temps. Sous l'influence protectrice de nos institutions, il est au pouvoir de tout le monde d'acquérir des propriétés quelconques. C'est pourquoi la plupart de nos concitoyens possèdent soit des terres ou des esclaves, ou ces deux genres de propriétés à la fois. Celui qui possède une petite habitation ou une terre qu'il cultive et qu'il améliore pour y demeurer lui et sa postérité, et qui possède quelques esclaves, est tout aussi intéressé à l'établissement de lois pour la conservation et la protection de la propriété que le plus riche cultivateur de l'Etat. Alors, puisque cet intérêt général et commun, qui résulte de la possession de terres et d'esclaves, est et sera évidemment toujours l'intérêt prépondérant de l'Etat, où est la nécessité d'établir ces deux éléments distincts de représentation? Pourquoi établir un système de représentation qui entraîne évidemment une inégalité flagrante parmi les paroisses et parmi les citoyens des diverses paroisses? Mais si la propriété doit être représentée, pourquoi n'appliquer ce principe qu'aux esclaves seulement? Pourquoi n'y pas comprendre les terres, les maisons et les terrains, et toute autre espèce de propriété? D'après ce raisonnement, cette base de représentation serait évidemment inégale dans son application. Pourquoi les propriétés foncières ou les maisons et les terrains de la valeur de dix mille piastres ne seraient-ils pas représentés aussi bien que les esclaves d'une même valeur? Les terres et les maisons peuvent rapporter un revenu soit par rentes, soit autrement, et sont, par conséquent, des propriétés productives de même que les esclaves. Il y a un grand nombre de nos concitoyens qui possèdent des terres et qui n'ont pas d'esclaves, et il y a,

en Louisiane, beaucoup d'esclaves dont les propriétaires ne sont pas citoyens de cet Etat. Sous quelque point de vue que nous considérions ce sujet, nous sommes convaincus que la proposition qui a été faite d'adopter pour base représentative la population totale, est incompatible avec nos institutions et ne devrait pas être secondée. En révisant la loi organique, la Convention devrait s'appliquer à éviter tout principe qui tendrait à soulever des préjugés de localité dans la Législature de l'Etat, et nous croyons fermement que l'adoption de cette base de représentation entraînerait ce funeste résultat. Quoique l'application de ce principe serait injudicieux et impolitique dans l'une des Chambres de l'Assemblée Générale, elle le serait encore bien plus dans les deux Chambres à la fois. Pour toutes ces raisons et à cause des résultats fâcheux que la base proposée ne manquerait pas de conjurer, la minorité du comité recommande à la Convention d'adopter la base de représentation qui existe actuellement sous l'empire de la Constitution de 1845.

(Signé) JAMES L. TALIAFERO.

Sans goûter toutes les raisons que le juge Taliafero a données pour s'opposer au rapport de la majorité, je me joins à lui pour recommander l'adoption de la base de représentation prescrite dans la Constitution de 1845, et je donnerai les raisons qui m'ont porté à cette résolution lorsque ce sujet sera à l'ordre.

(Signé) GEO. M. SANDIDGE.

Sur motion de M. Cotton, la Convention ordonne l'impression de deux cents exemplaires de ce rapport.

M. Hargis présente la résolution suivante :

Résolu qu'aucun des membres de cette Convention ne sera éligible à la place de juge de la Cour Suprême pendant les deux années qui suivront l'adoption de la nouvelle Constitution.

Le même délégué propose de déposer cette résolution sur le bureau, sujette à l'appel de la Convention. Cette proposition est rejetée.

Sur motion de M. Castellanos, la résolution est déposée indéfiniment sur le bureau.

#### ORDRE DU JOUR.

##### AFFAIRES NON-TERMINÉES.

La Convention reprend en considération le rapport du comité du judiciaire

L'article 64 est à l'ordre et

M. Benjamin soumet ce qui suit, comme article additionnel, et propose de l'insérer après l'article 63, savoir :

Art. — Toutes les fois que la Cour Suprême renversera le verdict rendu par un jury en matière civile, elle ne rendra pas de jugement définitif, mais renverra la cause à la Cour inférieure, qui lui donnera une nouvelle audition.

M. Eggleston demande que cet article soit déposé sur le bureau.

Un délégué demande l'appel nominal, et

MM. Anderson de St-L., Akenhead, Avery, Armant, Bradford, Bernard, Bienvenu, Brother, Bullard, Campbell, Collens, Connely, Delony, Dufour, Eggleston, Eustis, Guion, Key, Leeds,



Lobdell, Martin, Nicholls, Olivier de Ste-Marie, Palfrey, Patterson, Pierson, Pujo, Richardson du Oua., Richardson de Ste-Marie, Rixner, Risk, Ronquillo, Robinson, Smart, Swazey, Scarborough, Shelton, Smith de Winn, Sibley, Thibodeaux, Tatman, Todd, Van Wickle Villeré et Waddill.

45 délégués votent dans l'affirmative et

MM. Anderson de Carroll, Addison, Benjamin, Beale, Beard, Boudousquié, Buisson, Byrne, Castellanos, Carter, Cotton, Dalferes, Declouet, Dosson, Douglass, Dugué, Duffel, Edwards de Washington, Gardère, Hatch, Hays, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King de St. Landry, Lapeyre, Leefe, LeBlanc, Lyle, Moss, Mongé, Parham, Paxton, Price, Pierce, Pugh, Reeves, Roselius, Roman, Roysden, Sandidge, Shaw, Smith d'O. F., Stewart, Talbot, Taliafero, Thompson, Wittington et Wilcoxon.

53 délégués votent dans la négative.

Par conséquent, la motion de déposer sur le bureau ne prévaut pas.

M. Dufour propose d'insérer, après les mots "matière civile," les mots "sur des questions de fait" et M. Benjamin accepte cet amendement.

M. Connely demande et obtient que la question préalable soit posée.

Le président pose la question sur l'adoption de l'article.

Un délégué demande l'appel nominal et

MM. Anderson de Carroll, Addison, Benjamin, Beale, Boudousquié, Buisson, Byrne, Carter, Campbell, Cotton, Dalferes, Declouet, Dosson, Douglass, Dugué, Duffell, Edwards de Wash., Farmer, Gardère, Hatch, Hays, Harris, Hargis, Hernandez, Hough, Hodges, Jennings, Jones, King de St-Landry, Leefe, Le Blanc, Lyle, McIlhenny, McMillen, Parham, Patterson, Price, Pierce, Pugh, Reeves, Roselius, Roman, Roysden, Robinson, Sandidge, Shaw, Scarborough, Shelton, Smith d'O. F., Stewart, Talbot, Taliafero, Thompson, Van Vickle, Wittington et Wilcoxon.

56 délégués votent dans l'affirmative et

MM. Akenhead, Avery, Andrews, Bradford, Bernard, Beard, Bienvenu, Brother, Boyer, Bullard, Collens, Connely, Delony, Dufour, Eggleson, Eustis, Guion, Isaacks, Key, Lapeyre, Leeds, Lobdell, Mathews d'Orl., Marrero, Martin, Moss, Mongé, Nicholls, Olivier de Ste-Mar., Palfrey, Paxton, Preaux, Pierson, Pujo, Richardson du Oua., Richardson de Ste-Marie, Rixner, Risk, Ronquillo, St-Paul, Smart, Swazey, Smith de Winn, Tatman, Thibodeaux, Todd, Villeré et Waddil.

48 délégués votent dans la négative.

Par conséquent l'article présenté par M. Benjamin est adopté tel qu'il est amendé.

M. Martin ayant voté avec la majorité sur l'adoption de l'article 63 tel qu'il a été soumis par le comité, demande la reconsidération de cet article ; mais la Convention s'y refuse.

La Convention passe alors à l'article 64 du rapport du comité qui est lu en ces termes :

Art. 64.—La Cour Suprême se composera d'un

juge-président et de quatre juges-associés dont une majorité formera un quorum. Le juge-président recevra un salaire de \$6000 par an et chacun des juges-associés, un salaire de \$5500 par an, jusqu'à ce que la loi y pourvoie autrement. La Cour nommera ses greffiers et les juges seront élus pour le terme de dix années.

M. McMillen soumet le substitut qui suit :

Art. 64.—La Cour Suprême se composera d'un juge-président et de deux juges-associés, deux desquels formeront un quorum. L'Assemblée Générale pourra augmenter le nombre des juges de cette Cour. Le juge-président sera élu pour le terme de six années et les juges-associés pour celui de quatre années. Ils recevront un salaire qui sera déterminé par la loi et qui ne sera pas augmenté ni diminué pendant leur terme d'office. La Cour nommera ses greffiers

M. Connely propose de déposer ce substitut sur le bureau.

M. Richardson du Oua., demande l'appel nominal et

MM. Anderson de St-Landry, Akenhead, Avery, Bradford, Benjamin, Bernard, Brother, Boudousquié, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Dalferes, Declouet, Dufour, Dugué, Duffel, Edwards de Wash., Eggleson, Eustis, Gardère, Hays, Hernandez, Hunt, Jennings, Jones, Key, King de St-Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Moss, Mongé, Nicholls, Olivier de Ste-Marie, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pujo, Pugh, Reeves, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, St-Paul, Staës, Shaw, Smith d'O. F. Stewart, Tatman, Thibodeaux, Villeré, Waddill, Wittington et Wilcoxon.

74 délégués votent dans l'affirmative et

MM. Anderson de Carroll, Addison, Beard, Bullard, Cotton, Dosson, Douglass, Farmer, Harris, Hargis, Herron, Hough, Hodges, Isaacks, King de Jackson, McMillen, Pierce, Richardson du Oua., Roysden, Sandidge, Smart, Swazey, Scarborough, Shelton, Smith de Winn, Talbot, Taliafero, Thompson, Todd et Van Wickle.

30 délégués votent dans la négative.

Par conséquent le substitut est déposé sur le bureau.

M. Cotton présente alors le substitut suivant au susdit article :

Art. 64.—La Cour Suprême se composera d'un juge-président, et de deux juges-associés dont la majorité constituera un quorum. Les dits juges recevront chacun un salaire égal qui sera fixé par la loi, et qui ne sera pas augmenté ni diminué pendant la durée de leur terme d'office. Les juges seront élus par les électeurs de l'Etat pour le terme de six années.

Sur motion, ce substitut est déposé sur le bureau.

M. Herron propose le substitut suivant qui, sur motion est déposé sur le bureau :

Art. 64.—La Cour Suprême se composera de cinq juges dont la majorité constituera un quo-



rum. La Cour nommera ses greffiers; les juges seront élus pour le terme de six années.

M. Richardson de Oua., propose d'amender l'article en biffant le mot "quatre" et en insérant le mot "deux."

Pendant la considération de la susdite proposition, sur motion de M. Benjamin, la Convention prend un recès de quinze minutes.

Ce laps de temps ayant expiré, la Convention est rappelée à l'ordre.

M. Duffel ayant voté avec la majorité sur l'adoption de l'article supplémentaire présenté par M. Benjamin, en demande la reprise en considération—qui est accordée.

Le même délégué propose alors de déposer l'article sur le bureau.

L'appel nominal est demandé et présente le résultat suivant :

MM. Anderson de St-Landry, Akenhead, Avery, Bradford, Bernard, Beard, Bienvenu, Brother, Boyer, Bullard, Campbell, Collens, Connely, Conrad, Delony, Dufour, Duffel, Eggleston, Eustis, Guion, Hunt, Isaacks, Key, Lapeyre, Leeds, Lobdell, McIlhenny, Mathews d'Orl., Marrero, Martin, Moss, Mongé, Nicholls, Olivier de Ste-M, Palfrey, Preaux, Pierson, Richardson de Oua, Richardson de Ste-M, Rixner, Risk, Ronquillo, Robinson, St-Paul, Swazey, Sibley, Tatman, Thibodeaux Todd, Villeré et Waddill, Votent dans l'affirmative,—51. Et

MM. Anderson de Carroll, Addison, Benjamin, Besançon, Beale, Boudousquié, Buisson, Byrne, Castellanos, Carter, Cotton, Dalferes, Declouet, Dosson, Douglass, Dugué, Edwards de Wash., Farmer, Gardere, Hatch, Hayes, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Jennings, Jones, King de St-Landry, King de Jackson, Leefe, LeBlanc, Lyle, McMillen, Parham, Paxton, Patterson, Price, Pierce, Pugh, Reeves, Roselius, Roman, Roysden, Sandidge, Staës, Smart, Shaw, Scarborough, Shelton, Smith d'O. F., Smith de Winn, Stewart, Talbot, Taliafero, Thompson, Wittington et Wilcoxon,

Votent dans la négative,—59.

La motion est, en conséquence, perdue.

M. Connelly propose de renvoyer la prise en considération de l'article susdit jusqu'à ce que la Convention ait disposé du reste du rapport présenté par le comité judiciaire.

Cette motion est rejetée.

La question étant donc d'adopter de nouveau, l'article présenté par M. Benjamin, l'article est adopté.

La question seconde, étant la motion de M. Richardson, d'Ouachita, de biffer le mot "quatre" et d'insérer le mot "deux".

M. Hunt fait la motion de déposer l'amendement sur le bureau.

Sur cette motion, M. King, de Jackson, demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St Landry; Akenhead, Avery, Anderson, de Carroll; Bradford, Benjamin, Bernard, Beale, Bienvenu, Brother, Boudousquié, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connelly, Conrad, Dalferes,

Declouet, Dufour, Dugué, Duffel, Eggleston, Eustis, Gardere, Guion, Hatch, Hayes, Harris, Hernandez, Hough, Hunt, Jennings, Jones, Key, King, de St Landry; Lapeyre, Leefe, Leeds, Le Blanc, Lobdill, Lyle, McIlhenny, Mathews, d'Orléans; Marrero, Martin, Moss, Monge; Nicholls, Olivier, de Ste Marie; Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pugh, Reeves, Richardson, de Ste Marie; Rixner, Risk, Rosélius, Roman, Ronquillo, Robinson; St Paul, Staës, Swazey, Shaw, Smith, d'Ouest-Féliciana, Sibley, Stewart, Tatman, Talbot, Thibodeaux, Thompson, Villeré, Waddill, Wittington et Wilcoxon votent dans l'affirmative—83.

Et MM. Addison, Besançon, Beard, Boyer, Bullard, Cotton, Deloney, Dosson, Douglass, Edwards, de Washington; Farmer, Hargis, Herron, Hodges, Isaacks, King, de Jackson; McMillen, Pierce, Richardson, d'Ouachita; Roysden, Sandidge, Smart, Scarborough, Shelton, Taliafero, Todd et Van Wickle votent dans la négative—27.

En conséquence, la motion prévaut, et l'amendement est déposé sur le bureau.

M. Cotton fait la motion d'insérer après les mots "Juges-Associés, les mots "à moins qu'il n'y soit autrement pourvu par la loi".

Sur la motion de M. Dufour, la susdite proposition est déposée sur le bureau.

M. Roysden propose d'insérer dans la première ligne après les mots "se composera", les mots "jusqu'à l'année 1860".

Sur motion, l'amendement est déposé sur le bureau.

M. Hough présente le substitut suivant à l'article 64, rapporté par le Comité Judiciaire :

Art. 64—La Cour Suprême se composera d'un Juge-Président et de quatre Juges-Associés dont la majorité constituera un *quorum*.

Le Juge-Président recevra un salaire annuel de cinq mille piastres, et chacun des Juges-Associés un salaire annuel de quatre mille cinq cents piastres, jusqu'à ce qu'il y soit autrement pourvu par la loi. La Cour nommera ses greffiers. Les juges seront élus pour le terme de huit années.

M. Hunt fait la motion de déposer le substitut sur le bureau.

M. Swazey demande l'appel nominal qui présente le résultat suivant :

MM. Anderson, de St Landry; Akenhead, Avery; Anderson, de Carroll; Bradford, Benjamin, Bernard, Beale, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connelly, Conrad, Declouet, Dufour, Dugué, Duffel, Eggleston, Gardere, Guion, Hayes, Hernandez, Hodges, Hunt, Jennings, Jones, Key, King, de St Landry; Lapeyre, Leefe, Leeds, Lobdill, Lyle, McIlhenny, McMillen, Mathews, d'Orléans; Marrero, Martin, Monge, Nicholls, Olivier, de Ste Marie; Parham, Palfrey, Paxton, Preaux, Price, Pierson, Richardson, de Ste Marie; Rixner, Risk, Rosélius, Roman, Ronquillo, St Paul, Staës, Shaw, Smith, d'Ouest-Féliciana; Sibley, Tatman, Thibodeaux, Villeré et Wittington votent dans l'affirmative—68.



Et MM. Addison, Besançon, Beard, Boyer, Carter, Cotton Dalferes, Deloney, Dosson, Douglass, Edwards, de Washington; Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hough, King, de Jackson; Le Blanc, Moss, Patterson, Pierce, Pugh, Reeves, Richardson, d'Ouachita; Roysden, Robinson, Sandidge, Smart, Swazey, Scarborough, Shelton, Smith, de Winn; Stewart, Talbot, Taliaferro, Thompson, Todd, Van Winkle, Waddill et Wittington votent dans la négative —42.

La motion prévaut, et le substitut est en conséquence déposé sur le bureau.

M. Thompson propose de biffer dans la dernière ligne de l'article; le mot "dix" et d'insérer le mot "six".

M. Hunt demande la question préalable, qui est rejetée.

Pendant la discussion de la motion de M. Thompson,

Sur motion, la Convention s'ajourne à demain matin à 9 heures.

JEUDI, 22 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. Woodbrige ouvre la séance par une prière.

L'Hon. D. F. Kenner occupe le fauteuil et 96 délégués sont présents.

Sur motion de M. Bienvenu, congé est accordé à M. Eustis, pour cause d'indisposition.

Sur motion de M. Moss, l'absence de M. Phillips est excusée, pour cause de maladie dans sa famille.

M. Thibodeaux, au nom de la majorité du comité d'Instruction Publique, soumet le rapport suivant :

Le comité sur l'Instruction Publique, auquel a été référé le Titre VII de la Constitution, intitulé : "De l'Instruction Publique", a l'honneur de présenter le rapport suivant, résultat de ses délibérations et travaux, et comme substitut aux articles 133, 134, 135, 136, 137, 138 et 139.

#### TITRE VII.

##### *De l'Instruction Publique.*

Art. — L'Assemblée Générale établira des Ecoles Publiques et gratuites dans l'Etat et pourvoiera à leur maintien par un impôt général ou autrement; et les sommes ainsi prélevées seront distribuées à chaque paroisse, en proportion du nombre d'enfants entre tels âges que fixera l'Assemblée Générale.

Art. — Le produit de toutes les terres précédemment concédées à cet Etat par les Etats-Unis pour l'usage ou le soutien des Ecoles, et de toutes les terres qui pourront être, à l'avenir, concédées ou léguées à l'Etat et qui ne seront pas expressément concédées ou léguées pour un autre objet et dont l'Etat pourra disposer à l'avenir, et le produit des successions auxquelles

l'Etat pourra avoir droit en vertu de la loi, seront retenus par l'Etat à titre de prêt et formeront un fonds perpétuel sur lequel l'Etat paiera un intérêt de six pour cent, lequel intérêt ainsi que l'intérêt sur le fonds déposé avec cet Etat par les Etats-Unis, en vertu de l'acte du Congrès, approuvé le 23 juin 1836, ensemble avec les loyers des terres invendues, seront appliqués au soutien des dites Ecoles, et cette allocation restera inviolable.

Art. — Tout le produit des ventes qui ont été faites ou qui pourront être faites à l'avenir de toutes terres précédemment concédées à cet Etat par les Etats-Unis pour l'usage d'un établissement d'Instruction, et de toute espèce de donation qui pourra par la suite être faite pour cet objet, seront et formeront un fonds perpétuel dont l'intérêt, au taux de six pour cent par an, sera appliqué au soutien d'un Etablissement d'Instruction pour le progrès de la littérature, des sciences et des arts, et il ne sera jamais passé de loi pour appliquer le dit fonds à aucun autre usage qu'à la fondation et à l'amélioration du dit Etablissement d'Instruction.

Le tout est respectueusement soumis.

(Signé)

BANNON G. THIBODEAUX,  
Rapporteur.

Sur motion de M. Jennings, l'impression est ordonnée de deux cents exemplaires du susdit rapport.

M. Preaux, au nom de la minorité du comité sur l'Instruction Publique, présente le rapport suivant :

#### RAPPORT DE LA MINORITÉ.

Le soussigné est d'opinion que l'Université de la Louisiane a jusqu'aujourd'hui présenté des résultats satisfaisants. Que la faculté du droit est composée des meilleurs professeurs, parfaitement capables à donner aux étudiants une connaissance exacte des lois de la Louisiane, et qu'il serait mieux, que ceux qui désirent embrasser la profession d'avocat, reçoivent leur éducation légale dans la Louisiane, où il peut leur être donné une explication parfaite de nos lois et de notre système de jurisprudence. Que les mêmes raisons peuvent s'appliquer au Collège de Médecine.

Que la Faculté des Sciences et des Lettres, dans très peu de temps, pourra produire des écoliers, qui seront, au point de vue d'éducation littéraire, égaux à ceux des Universités du Nord.

Que toutes les dépenses nécessaires à l'établissement de la dite Université, ont déjà été faites par l'Etat, et plusieurs donations ont aussi été faites à l'Université qui peut maintenant se soutenir sans beaucoup de frais de la part de l'Etat; par conséquent le motif d'économie ne peut plus même être cité comme raison pour la destruction de la dite institution. Ce serait un acte de vandalisme, de défaire ce qui a été bâti en vertu de la Constitution de 1845, pour l'avancement et la culture des sciences et des lettres dans l'Etat de la Louisiane.

Le soussigné est d'opinion que l'abolition du Surintendant des Ecoles Publiques aurait un mauvais effet sur tout notre système d'instruction.



tion publique, car il laissera le système entier, qui doit être égal et général, entre les mains d'un gouvernement local, sans recevoir une impulsion générale.

Le soussigné étant d'opinion que l'instruction publique est la base de toute société bien organisée, pense que sa place est naturellement dans une constitution, qui n'est autre chose, en son opinion, que le contrat social de ces grandes sociétés connues sous le nom de nations et d'états.

En conséquence, le soussigné a l'honneur de rapporter le titre VII de "l'instruction publique" ainsi qu'il existe dans la Constitution de 1845.

[Signé]

ROBERT PREAUX.

Sur motion de M. Gardère, la Convention ordonne l'impression de 200 exemplaires du susdit rapport.

M. Dufour, au nom du comité chargé de réviser la traduction française de la Constitution, présente la rapport suivant :

Le comité chargé de réviser la traduction française de la Constitution, vous soumet le rapport suivant :

Le comité ne croit pas pouvoir présenter à l'enregistrement la traduction qui lui a été soumise. La traduction en français de la Constitution est une œuvre ardue qui exige une aptitude toute particulière. La personne chargée de ce travail doit avoir quelque expérience, doit être familière avec les termes techniques du langage judiciaire anglais et avoir une certaine précision de style. La Convention de 1845 avait un traducteur spécial pour la Constitution ; il importe que nous suivions cet exemple. Le comité demande par conséquent à être autorisé à choisir une personne compétente à qui pourra être confiée en toute sûreté la traduction de la nouvelle Constitution, et il présente à cet effet, la résolution suivante :

Résolu que le comité chargé de réviser la traduction soit autorisé à nommer une personne compétente à qui sera confiée, moyennant un salaire de quatre cents piastres, la traduction en français de la Constitution.

(Signé)

CYPRIEN DUFOUR

La Convention prend en considération la résolution rapportée par le susdit comité.

La question étant sur l'adoption de la résolution, M. Armant fait la motion d'effacer les mots "quatre cents" et d'insérer les mots "trois cents."

M. Staës présente la résolution suivante :

Résolu que le traducteur qui doit être nommé conformément au rapport du comité de la traduction, sera élu par la Convention.

M. Connely fait la motion de déposer le sujet entier sur le bureau. Cette motion prévaut.

M. Dufour rapporteur du comité sur la révision de la traduction de la Constitution, présente sa résignation ainsi que MM. Preaux, Gardère, Lapeyre et Olivier de Ste-Marie, comme membres du dit comité.

M. Shaw, ayant voté avec la majorité sur l'adoption de l'article présenté hier par M. Benjamin, article supplémentaire au rapport du comité judiciaire, en demande la reprise en con-

sidération. M. Roysden fait la motion de déposer cette proposition sur le bureau, et demande l'appel nominal qui présente le résultat suivant :

Mes-rs. Addison, Bartlett, Benjamin, Besançon, Beale, Boudousquié, Buisson, Byrne, Carter, Cotton, Dalferes, Douglass, Edwards de Washington, Farmer, Gardère, Hatch, Harris, Hargis, Heron, Hough, Hodges, Jennings, Jones, Lyle, Pearce, Reeves, Roman, Roselius, Roysden, Ronquillo, Sandidge, Scarborough, Smith de W. F., Stewart, Taliafero, Thompson et Whittington votent dans l'affirmative—37.

Et MM. Anderson de St Landry, Akenhead, Avery, Andrews, Anderson, de Carroll ; Armant, Bradford, Bernard, Beard, Bienvenu, Brother, Bullard, Castellanos, Campbell, Collens, Connely, Conrad, Delony, Declouet, Dufour, Dugué, Duffell, Edwards, d'Orléans ; Eggleston, Guion, Hayes, Hernandez, Hunt, Isaacks, Key, King, de St Landry ; King, de Jackson ; Lapeyre, Leefe, Leeds, Lobdill, McIlhenny, McMillen, Mathews, d'Orléans ; Martin, Mather, Moss, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pujo, Pugh, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Rixner, Risk, Robinson, St Paul, Staës, Smart, Swazey, Shaw, Shelton, Smith, de Winn ; Sibley, Tatman, Thibodeaux, Todd, Van Wickle, Villeré, Waddill et Wilcoxon votent dans la négative—75.

En conséquence la motion faite de déposer sur le bureau, est rejetée.

La question étant sur la reprise en considération de l'article, elle est décidée dans l'affirmative, et la reprise est accordée.

M. Martin propose alors de déposer l'article sur le bureau.

Sur cette motion, M. Scarborough demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Andrews, Armant, Bradford, Bernard, Beard, Bienvenu, Brother, Bullard, Campbell, Collens, Connely, Conrad, Delony, Dufour, Duffell, Edwards, d'Orléans ; Eggleston, Guion, Hayes, Hunt, Isaacks, Key, King, de Jackson ; Lapeyre, Leeds, Lobdill, McIlhenny, Mathews, d'Orléans ; Martin, Moss, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Palfrey, Paxton, Preaux, Pierson, Pujo, Pugh, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Rixner, Risk, Ronquillo, Robinson, St Paul, Staës, Swazey, Sibley, Tatman, Thibodeaux, Todd, Villeré et Waddill votent dans l'affirmative—58.

Et MM. Anderson, de Carroll ; Addison Bartlett, Benjamin, Besançon, Beale, Boudousquié, Buisson, Byrne, Carter, Cotton, Dalferes, Declouet, Dosson, Douglass, Dugué, Edwards, de Washington ; Farmer, Gardère, Hatch, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Jennings, Jones, King, de St Landry ; Leefe, Lyle, McMillen, Mather, Parham, Patterson, Price, Pierce, Reeves, Rosélius, Roman, Roysden, Sandidge, Smart, Shaw, Scarborough, Shelton, Smith, d'Ouest-Feliciano ; Smith, de Winn ;



Stewart, Talbot, Taliafero, Thompson, Van Wickle et Wilcoxon votent dans la négative--54.

Par conséquent, l'article supplémentaire présenté par M. Benjamin, qui avait été adopté hier, est déposé sur le bureau.

#### ORDRE DU JOUR.

La Convention reprend la considération de l'article 64, rapporté par le Comité Judiciaire et dont s'occupait la Convention hier, lors de son ajournement.

La question étant sur la motion de M. Thompson, de biffer le mot "dix" dans la dernière ligne, et d'insérer le mot "six."

Mr. Reeves propose comme sous-amendement, de biffer le mot "dix" et d'insérer le mot "huit."

Mr. Smart fait la motion d'insérer à la fin de l'article, les mots suivants :

"Jusqu'à ce qu'il y soit autrement pourvu par la loi."

Mr. Hunt demande la question préalable ; laquelle motion prévaut.

La question étant donc sur la motion d'effacer et d'insérer.

Mr. Jones demande la division de la question.

Cette motion prévaut.

Et l'appel nominal est demandé sur la motion de biffer.

L'appel nominal résulte ainsi que suit :

MM. Addison, Besançon, Beale, Beard, Carter, Cotton, Dalferes, Delony, Dosson, Edwards de Washington, Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, Isaacks, Jones, King de Jackson, Le Blanc, McMillen, Moss, Paxton, Patterson, Pugh, Reeves, Roysdon, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith de Ouest Féliciana, Smith de Winn, Stewart, Talbot, Taliafero, Thompson, Todd, Waddill et Wittington votent dans l'affirmative—41.

Et MM. Anderson de St-Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Armant, Bradford, Bartlett, Benjamin, Bernard, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardere, Guion, Hays, Hernandez, Hunt, Jennings, Key, King de St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mather, Mongé, Nicholls, Olivier de St. Martin, Olivier de Ste Marie, Parham, Palfrey, Preaux, Price, Pearce, Pierson, Pujo, Richardson d'Oua., Richardson de Ste Marie, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Swazey, Shaw, Sibley, Tatman, Thibodeaux, Villeré et Wilcoxon votent dans la négative—72.

La Convention refuse donc de biffer les mots sus dits.

La question étant alors sur la motion de Mr. Smart, l'appel nominal est demandé par lui, et présente le résultat suivant :

Messrs. Akenhead, Addison, Besançon, Beale, Beard, Bienvenu, Carter, Cotton, Dalferes, Delony, Dosson, Edwards de Washington, Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, Isaacks, King de Jackson, Le Blanc, McMillen, Moss, Paxton, Patterson, Pujo, Pugh, Roysdon,

Robinson, Sandidge, Smart, Scarborough, Smith de Winn, Stewart, Talbot, Taliafero, Thompson, Todd et Waddill votent dans l'affirmative—40.

Et Messrs Anderson de St. Landry, Avery, Andrews, Anderson de Carroll, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardere, Guion, Hays, Hernandez, Hunt, Jennings, Jones, Key, King de St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mather, Mongé, Nichols, Olivier de St. Martin, Olivier de Ste Marie, Parham, Palfrey, Preaux, Price, Pearce, Pierson, Reeves, Richardson de Oua., Richardson de Ste Marie, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staës, Swazey, Shaw, Smith d'Ouest Féliciana, Sibley, Tatman, Thibodeaux et Wilcoxon votent dans la négative—71.

La motion de Mr. Smart est, en conséquence, rejetée.

M. Jennings présente l'article additionnel suivant, à être inséré après l'article 64 du Rapport du Comité Judiciaire.

Art.—" Les Juges de la Cour Suprême devront être citoyens des Etats-Unis, être âgés de plus de trente ans, avoir résidé dans l'Etat et exercé la profession d'avocat, durant les six années qui auront précédé leur élection. L'Assemblée Générale sera réquise de déterminer les qualités que devront posséder les dits fonctionnaires, éligibles en vertu de cette Constitution. "

La question étant sur l'adoption du susdit substitut, elle est décidée dans la négative.

La Convention s'occupe ensuite de l'Article 65 du rapport du Comité sur le Judiciaire, qui est ainsi conçu :

Art. 65.—Le Juge-président sera élu par les électeurs de l'Etat. La Législature répartira l'Etat en quatre districts, et les électeurs de chaque District éliront un des Juges-associés. L'Etat sera divisé ainsi que suit, jusqu'à ce qu'il y soit autrement pourvu par la Législature :

- 1er District,
- 2d District,
- 3ème District,
- 4ème District.

Sur motion de M. Herron, l'article est adopté, et cette portion relative à la répartition de l'Etat, est référée à un Comité qui devra être composé de trois Délégués de chaque District Congressionnel.

Les articles suivants, rapportés par le Comité du Pouvoir Judiciaire, étant lus, sont, sur motion, adoptés :

Art. 66.—La place d'un des Juges-associés deviendra vacante à l'expiration de la seconde année. Celle d'un autre à l'expiration de la quatrième année, celle d'un autre à l'expiration de la sixième année, et celle du quatrième à l'expiration de la 8me année ; de telle sorte,



qu'un des Juges de la Cour Suprême sera élu tous les deux ans.

Art. 67.—Dès qu'il recevra les retours officiels de la première élection, le Secrétaire d'Etat procèdera immédiatement en présence et avec le concours de deux Juges de paix à tirer au sort parmi les 4 candidats qui auront reçu le plus grand nombre de voix dans leur districts respectifs, celui des juges associés qui servira pendant 2 ans celui qui servira pendant 4 ans celui qui servira pendant 6 ans et celui qui servira pendant 8 ans. Le Gouverneur les commissionnera en conséquence.

Art. 68.—Lorsque la place d'un des Juges de la Cour Suprême deviendra vacante, soit pour cause de démission ou pour d'autre cause, elle sera remplie par une élection; bien entendu, que si le terme non-expiré n'excède pas un an, la vacance sera remplie par le gouverneur.

Lecture étant faite de l'article 69, en ces termes :

Art. 69.—La Cour Suprême tiendra ses sessions à la Nouvelle Orléans depuis le premier lundi du mois de Novembre jusqu'à la fin du mois de Juin inclusivement. La Législature aura le pouvoir de fixer les sessions de la Cour Suprême partout ailleurs pour le reste de l'année. Jusqu'à ce qu'il y soit autrement pourvu, ces sessions seront tenues comme par le passé."

Mr. Isaacks propose comme substitut, l'article présenté par lui, le 20 courant.

Mr. Swazey fait la motion de déposer le substitut sur le Bureau ;

Mr. Isaacks demande l'appel nominal, qui présente le résultat suivant :

Messrs. Akenhead, Avery, Andrews, Armant, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Cotton, Conrad, Delony, Deelouet, Dufour, Dugué, Duffel, Edwards de Washington, Eggleston, Gardère, Guion, Hatch, Hays, Harris, Hargis, Herron, Hernandez, Hodges, Hunt, Jennings, Jones, King de St. Landry, Lapeyre, Leeds, LeBlanc, Lobdell, Lyle, McIlhenuy, Matthews d'Orléans, Marrero, Martin, Mather, Mongé, Nicholls, Olivier de Ste Marie, Parham, Palfrey, Paxton, Preaux, Price, Pearce, Pierson, Pujo, Pugh, Reeves, Richardson de Oua., Richardson de Ste Marie, Rixner, Risk, Roselius, Roman, Roysdon, Ronquillo, Sandidge, Staës, Swazey, Shaw, Smith de Ouest Féliciana, Tatman, Taliafero, Thibodeaux, Thompson, Todd, Villeré et Wilcoxon votent dans l'affirmative—84.

Et Messrs. Anderson de St. Landry, Anderson de Carroll, Besançon, Beard, Dosson, Farmer, Hough, Isaacks, King de Jackson, McMillen, Patterson, Smart, Scarborough, Shelton, Smith de Winn, Sibley, Waddill et Wittington votent dans la négative—18.

En conséquence le substitut présenté par Mr. Isaacks est déposé sur le bureau.

Mr. Taliafero propose de biffer tout ce qui suit le mot "inclusivement," et d'insérer les mots suivants : "et à Bâton Rouge pendant le

reste de l'année, jusqu'à ce que la loi en dispose autrement."

Sur motion de Mr. Swazey, le sus dit amendement est déposé sur le Bureau.

Sur motion, l'article 69 est adopté sans amendement.

La Convention passe alors aux articles suivants du rapport, qui sont lus, et sur motion, adoptés, savoir :

Art. 70.—La Cour Suprême et chacun des juges de cette cour, auront le pouvoir d'émettre des mandats d'habeas corpus à la requête de toutes personnes en état d'arrestation par suite de procédures judiciaires dans tous les cas où la cour aura juridiction d'appel.

Art. 71.—Aucun jugement ne sera rendu par la Cour Suprême, sans le concours d'une majorité des Juges composant cette cour. Lorsqu'une majorité ne pourra s'accorder, en conséquence de la récusation d'aucun membre de la cour, les juges qui ne seront pas récusés, auront le pouvoir de s'adresser à aucun juge des Cours Inférieures, dont le devoir sera, dans ces cas, de siéger à la place du Juge récusé, et de donner son concours au jugement de l'affaire.

Art. 72.—Tout juge sera, en vertu de sa place, conservateur de la paix dans tout l'Etat. Tous les ordres ou mandats judiciaires auront pour titre : "l'Etat de la Louisiane." Toutes les poursuites criminelles seront conduites "au nom et par l'autorité de l'Etat de la Louisiane," et seront terminées par cette formule : "en violation de la paix et de la dignité de l'Etat."

Art. 73.—Les juges de toutes les cours de cet Etat, devront aussi souvent que faire se pourra, dans tout jugement définitif, se référer à la loi particulière en vertu de laquelle le jugement sera rendu; et dans tous les cas ils devront déduire les motifs sur lesquels sera basé leur jugement.

Art. 74.—Les juges de toutes les cours pourront être poursuivis par voie d'impeachment, mais pour toute cause raisonnable qui ne serait pas assez grave pour justifier ce mode de poursuite, ils pourront être destitués par le gouverneur à la demande des trois-quarts des membres présents de chaque branche de l'assemblée générale; la cause pour laquelle la destitution pourra être demandée, sera mentionnée tout au long dans la demande et portée sur le journal de chaque chambre.

L'Article 75 étant lu, en ces termes, savoir :

Art. 75.—Il y aura pour l'Etat, un Avocat-Général et autant d'Avocats de District qu'il sera jugé nécessaire d'en nommer par la suite. Ils seront nommés pour quatre ans et leurs devoirs seront déterminés par la loi.

Mr. Price propose d'effacer le mot "quatre" et d'insérer le mot "deux ;"

Cette motion est rejetée.

Mr. Price présente le substitut suivant au sus-dit article :

Art. 75.—Il y aura pour l'Etat un Avocat-Général qui sera nommé pour quatre ans, et autant d'Avocats de District qu'il sera jugé nécessaire d'en nommer par la suite.



Les Avocats de District seront nommés pour deux ans et leurs devoirs seront déterminés par la loi.

Les délégués suivants demandent et obtiennent le privilège de faire enrégistrer leurs votes en faveur de la proposition de Mr Price, savoir :

Messrs. Sandidge, Carter, Herron, Cotton, Beale, Addison, Pearce, Scarborough, Smart, Hatch, Isaacks, Thompson, Price, Conrad, Delony, Harris, Talbot, Benjamin, Todd, Dalferes, Hargis, Roysden.

Sur motion, l'article est adopté sans amendements.

Lecture étant faite de l'article 76, il est adopté, ainsi conçu :

Art. 76—Les Juges de la Cour Suprême et des Cours Inférieures recevront à des époques fixées, un salaire qui ne pourra être ni augmenté ni diminué pendant la durée de leurs fonctions ; et les dits juges ne pourront recevoir ni honoraire d'office ni rémunération autre que le traitement qui leur sera alloué pour l'accomplissement des devoirs de leurs places.

M. Thompson obtient la permission de faire enrégistrer son vote contre l'adoption du susdit article.

L'article 77 est alors lu en ces termes, savoir :

Art. 77 — La Législature aura le pouvoir d'autoriser les greffiers à émettre certains ordres et à faire certains actes selon qu'elle le jugera nécessaire pour la bonne administration de la justice, et dans tous les cas les pouvoirs ainsi accordés seront spécifiés et déterminés.

Sur motion, le susdit article est adopté sans amendement.

M. St Paul présente l'article additionnel suivant à être inséré après l'article 77 rapporté rapporté par le comité :

“ La Législature fera nommer à chaque Cour qui sera organisée à la Nouvelle-Orléans, un Maître de Chancellerie dont les devoirs seront les mêmes que ceux de tels officiers des Cours de Justice.”

Sur motion, le substitut est déposé sur le bureau ; et sur une seconde motion, l'article est adopté sans amendements.

L'article 78 est ensuite lu en ces termes ;

Art. 78—Les greffiers des diverses Cours pourront être destitués pour inconduite par les juges des dites Cours ; mais dans tous les cas ils pourront se pourvoir par appel devant la Cour Suprême.

M. Hunt, au nom du Comité Judiciaire, présente le substitut suivant au dit article :

Art. 78—“ Les Juges des différentes Cours Inférieures auront le pouvoir de destituer les greffiers des dites Cours pour inconduite ; mais dans tous les cas, les greffiers pourront se pourvoir par appel devant la Cour Suprême.”

Sur motion, le substitut est adopté ; et l'article 78 contenu dans le rapport, est biffé.

L'article 79 est lu en ces termes, savoir :

Art. 79 — La juridiction des juges de paix n'excèdera jamais dans les affaires civiles la

somme de cent piastres, intérêts non compris ; et appel pourra être fait de leurs décisions devant la Cour de District dans les cas où il y sera pourvu par la loi. Ils seront élus par les électeurs ayant qualité pour voter dans chaque paroisse pour le terme de deux années, et ils exerceront telle juridiction qui leur sera attribuée par la loi.

M. Hernandez présente le substitut suivant :

Art. 79 — “ La juridiction des Juges de paix n'excèdera jamais, dans les affaires civiles, la somme de cent-cinquante piastres, intérêts non compris ; et appel pourra être fait de leurs décisions devant la Cour de District, dans les cas où il y sera pourvu par la loi. Ils seront élus par les électeurs ayant qualité pour voter dans chaque paroisse pour le terme de deux années, et ils exerceront telle juridiction qui leur sera attribuée par la loi.”

Sur motion, le substitut est déposé sur le bureau.

M. Isaacks propose de biffer après tout ce qui suit les mots “ deux ans”, et d'insérer les mots :

“ La Législature aura le pouvoir d'étendre la juridiction des Juges de paix dans toutes les affaires de délits”.

Sur motion, l'amendement est déposé sur le bureau.

M. St Paul fait la motion d'effacer tous les mots depuis le commencement jusqu'au mot “ et —”, et d'insérer les mots suivants :

“ La juridiction des Juges de paix sera limitée dans les affaires civiles, aux affaires où l'objet en litige n'excèdera pas la somme de \$100, intérêts non compris”

Sur motion, le sus-amendement est adopté.

M. Guion propose d'insérer après les mots “ élus par”, les mots suivants “ le vote d'une majorité”.

Cette motion est rejetée.

M. Byrne fait la motion d'insérer après le mot “ paroisse”, les mots “ District ou arrondissement”.

Cette motion est aussi rejetée.

M. Pierson ayant voté avec la majorité, sur la motion de déposer la susdite proposition sur le bureau, demande et obtient sa reprise en considération.

M. Collens propose alors comme sous-amendement d'effacer le mot “ paroisse”, et d'insérer après le mot “ chaque”, les mots suivants “ District, arrondissement ou paroiss sur lesquels s'étend leur juridiction”.

M. Avery fait la motion de déposer les deux amendements sur le bureau,

Laquelle motion est rejetée.

La question étant alors sur le sous-amendement présenté par M. Collens,

M. Connelly fait la motion de le déposer sur le bureau,

Laquelle motion prévaut.

M. Richardson, d'Ouachita, présente le substitut suivant à la dernière clause de l'article :

“ Ils seront élus par les électeurs de chaque paroisse, District ou arrondissement, pour le terme de deux années, de telle manière et aura



telle juridiction criminelle qui leur sera attribuée par la loi”.

Sur motion, le susdit substitut est adopté, et sur une seconde motion, l'article 79 est adopté ainsi amendé.

M. Parham propose de prendre en considération l'article supplémentaire présenté par lui le 16 courant, qui avait été renvoyé avec le rapport du Comité Judiciaire.

Sur motion, l'article supplémentaire est déposé sur le bureau.

La Convention s'occupe alors de l'article 80 dont lecture est faite en ces termes :

Art. 80 — Les greffiers des Cours de District dans cet Etat, seront élus pour le terme de quatre années par les électeurs ayant qualité pour voter dans chaque paroisse, et lorsqu'une place de greffier deviendra vacante subséquemment à une élection, elle sera remplie par une nomination faite par le juge de la Cour dans laquelle la place sera vacante, et la personne ainsi nommée conservera sa place jusqu'à l'élection générale suivante.

M. Carter présente le proviso suivant, à être inséré après le mot “vacante” :

“Bien entendu que le reste de son terme ne devra pas excéder une année”.

Le dit proviso, sur motion, est déposé sur le bureau.

M. Delony propose de biffer le mot “quatre” dans le susdit article, et d'insérer le mot “deux” ;

Laquelle motion est rejetée.

Et sur motion, le susdit article est adopté sans amendement.

La Convention passe ensuite à l'article 81, et dernier du rapport, dont la lecture est faite en ces termes, savoir :

Art. 81—Il sera élu dans chaque paroisse par les électeurs ayant le droit de voter dans la dite paroisse, un Shérif et un Coroner qui occuperont leurs places pendant le terme de deux années, à moins qu'ils ne soient destitués auparavant. Lorsqu'une place de shérif ou de Coroner deviendra vacante subséquemment à une élection, elle sera remplie par une nomination faite par le Gouverneur, et la personne ainsi nommée conservera sa place jusqu'à ce que son successeur soit élu et qu'il ait pris qualité.

M. St Paul présente l'amendement suivant à être inséré après les mots “à moins qu'ils ne soient destitués auparavant” :

“Mais la Législature pourra pourvoir par la loi à un plus grand nombre de shérifs et de coroners dans la paroisse d'Orléans”

Pendant la considération du dit amendement,

Sur motion, la Convention s'ajourne à demain à 9 heures A. M.

—  
VENDREDI, 23 juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. Crenshaw ouvre la séance par une prière.

L'Hon. D. F. Kenner occupe le fauteuil et 89 délégués sont présents.

Sur motion, congé est accordé à MM. Bernard, Moss, Dorsey, Thibodeaux, Jennings, Byrne et Douglass.

M. Connely ayant voté, hier, avec la majorité sur la motion de déposer sur le bureau le rapport et la résolution du comité sur la révision de la traduction de la Constitution, en demande la reprise en considération, qui est accordée.

La résolution étant devant la Convention,

M. Cotton fait la motion d'effacer les mots “quatre cents” et d'insérer les mots “deux cents”

M. Connely fait la motion d'effacer les mots “quatre cents” et d'insérer le mot “cent”.

M. Collens fait la motion d'effacer le mot “quatre” et d'insérer “trois”.

M. Martin demande la division de la question, qui est accordée, et la question étant sur la motion de biffer, elle est décidée affirmativement.

La proposition de M. Collens est alors mise aux voix et rejetée.

M. Richardson, de Ste-Marie, propose alors d'insérer les mots “deux cent cinquante”, cette motion prévaut.

Et sur la motion d'adopter la résolution ainsi amendée,

M. Connely demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St-Ly ; Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Beard, Bienvenu, Boudousquié, Boyer, Bullard, Campbell, Collens, Cotton, Conrad, Deloney, Declouet, Dufour, Dugué, Edwards, d'Orléans, Edwards, de Washington ; Eggleston, Gardère, Guion, Hatch, Hayes, Hernandez, Hunt, Isaacks, Key, King, de St-Landry ; Leeds, Le Blanc, Lobdill, Lyle, Mathews, d'Orléans ; Marréro, Martin, Mather, Mongé, Nicholls, Olivier, de Sainte-Marie ; Palfrey, Paxton, Preaux, Price, Piersonson, Richardson, de Ouachita ; Richardson, de Ste-Marie ; Rixner, Risk, Roselius, Roman, St-Paul, Swazey, Shaw, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Sibley, Stewart, Tatman, Villeré, Waddill, Williams, Wittington et Wilcoxon votent dans l'affirmative—67.

Et MM. Anderson, de Carroll ; Addison, Besançon, Beale, Castellanos, Connely, Dalférès, Dosson, Farmer, Harris, Hargis, Herron, Hébert, Hodges, Jourdan, Jones, Leefe, King, de Jackson ; McMillen, Mathews, de Pointe-Coupée ; Olivier, de St-Martin ; Parham, Pearce, Pugh, Reeves, Roysden, Ronquillo, Robinson, Sandidge, Staës, Smart, Scarborough, Shelton, Simms, Taliaferro, Thompson Todd, et Van Wickle, votent dans la négative,—38.

La motion prévaut, en conséquence, et la résolution est adoptée ainsi amendée.

M. Smart propose de passer à la motion faite par lui, il y a quelque jours, qui avait été déposée sur le bureau sujette à l'appel de la Convention ; savoir : de reprendre la considération de la motion qui avait été faite d'adopter l'article supplémentaire de M. Benjamin, relatif aux terres concédées par le Congrès des Etats-Unis à l'Etat.



Cette motion est rejetée.

Les délégués dont les noms suivent, obtiennent le privilège de faire enregistrer leurs votes en faveur de la motion de reconsidérer, savoir :

MM. Richardson, Todd, Hatch et Smart.

M. Price présente la résolution suivante, qui est, sur motion, adoptée, savoir :

“Résolu que le comité des Dépenses Casuelles est requis de s'enquérir et s'assurer quel montant de “perdiem” est dû à F. D. Lewis, comme messenger de la Convention, et d'en ordonner le paiement.”

M. Hunt, au nom du comité Judiciaire, présente, comme sous-rapport, les articles suivants, qui devront venir à la suite du rapport du comité Judiciaire qui est maintenant en considération, savoir :

Art. 82. — Les juges des différentes Cours Inférieures seront élus par les électeurs de leurs paroisses ou districts respectifs.

Art. 83. — Les élections des juges auront lieu le premier lundi de mars 1853, et toutes les deux années en suite.

Art. 84. — L'Avocat-Général sera élu par les électeurs de l'Etat, et les Avocats de Districts par les électeurs de chaque District; et l'élection sera tenue le même jour que celle du Gouverneur de l'Etat.

Art. 85. — La Législature pourra désigner la manière dont les vacances seront remplies, dans les places de juges des Cours Inférieures, Avocat-Général, Avocats de Districts et toutes les autres fonctions auxquelles il n'est pas pourvu dans cette Constitution.

Le Président soumet à la Convention les noms des membres qu'il a nommés aux comités suivants :

Comité sur la répartition de l'Etat, pour la Cour Suprême.

MM. Herron, Phillips, Swazey, Richardson, d'Ouach, Harris, Pierson, Bienvenu, Talbot, Connely, Bradford, Price et Eggleston.

Comité sur la Traduction de la Constitution :

MM. Dufour, Preaux, Olivier, de Ste-Marie, Lapeyre et Gardère.

## ORDRE DU JOUR.

### AFFAIRES NON TERMINEES.

La Convention reprend la considération du rapport du comité Judiciaire.

La question étant sur l'amendement de M. St-Paul, à l'article 81,

M. Hunt, au nom du comité Judiciaire, présente le sous-amendement suivant, à l'article 81, qui est accepté par M. St-Paul, au lieu de l'amendement présenté par lui :

“La Législature aura le pouvoir d'augmenter le nombre de shérifs dans toute paroisse.”

Sur motion, cet amendement est adopté.

M. Bienvenu fait la motion d'effacer, dans l'article, le mot “deux” et d'insérer le mot “quatre”. Cette motion est rejetée.

M. Smart fait la motion de biffer dans l'article original les mots “à moins qu'ils ne soient destitués auparavant”.

Cette motion est rejetée.

M. Hatch fait la motion d'insérer après les mots “shérifs”, dans l'amendement proposé par M. Hunt, le mot “coroner”, laquelle motion est rejetée.

Sur motion, l'article 81 est adopté ainsi qu'il a été amendé.

M. Palfrey ayant voté avec la majorité sur l'adoption de l'article 81, en demande la reprise en considération.

M. Hunt fait la motion de déposer cette proposition sur le bureau, laquelle motion prévaut.

M. Wittington présente l'article additionnel suivant, lequel étant lu, est, sur motion, déposé sur le bureau.

Art. — Le shérif pourra être requis de renouveler ou augmenter son cautionnement de temps à autre, et à défaut de tel sécurité, sa charge sera considérée vacante.

La Convention passe alors au sous-rapport du comité Judiciaire, rapporté ce matin.

Lecture étant faite de l'article 82, il est adopté sans amendement.

Lecture est alors faite de l'article 83, en ces termes :

Art. 83. — Les élections des juges auront lieu le premier lundi de mars, de l'année 1853, et tous les deux ans en suite.

M. Hébert propose d'insérer, après le mot “juges” les mots “shérifs, greffiers, recorders, coroners et avocats de districts.”

M. Nichols fait la motion de déposer l'amendement sur le bureau, laquelle motion prévaut.

M. Connely présente le substitut suivant au susdit article :

Art. 83. — Il sera du devoir de la Législature de fixer l'époque des élections de tous les juges en même temps, laquelle époque sera fixée à un jour différent de celui des élections générales de l'Etat.

M. Martin fait la motion d'effacer dans le substitut tout ce qui suit le mots “celui,” et d'insérer les mots “des élections de paroisse.” Cette motion est rejetée.

Sur motion le susdit substitut est adopté sans amendement.

M. Benjamin ayant voté avec la majorité sur la motion de rejeter la proposition faite par M. Martin, en demande la considération qui est accordée.

La proposition de M. Martin étant alors devant la Convention, M. Benjamin propose de l'amender en effaçant dans le susdit substitut tout ce qui suit le mot “celui,” et en insérant les mots “de toutes les autres élections.” Cette motion prévaut.

M. Collens demande la reprise en considération du substitut présenté par M. Connely.

Cette motion étant accordée, M. Palfrey propose l'amendement suivant au substitut :

Aucune élection de juges de la Cour Suprême ou des Cours Inférieures, n'aura lieu pendant les quatre mois qui précéderont ou qui suivront une élection générale.

Sur motion de M. Collens, cet amendement est déposé sur le bureau.

M. Herron propose alors d'insérer après le



mot "juges" dans le substitut de M. Connely les mots suivants "et de juges de paix."

Sur motion, la proposition est rejetée.

Sur motion, ce substitut est adopté de nouveau ainsi qu'il est amendé.

La Convention s'occupe alors des articles 84 et 85 du sous rapport du comité judiciaire, qui sont adoptés sans amendements.

M. Waddill présente, l'article suivant, qui étant lu, est sur motion déposé sur le bureau, savoir :

La Législature pourvoiera par la loi à un échange entre les juges des Cours inférieures ayant droit à la plus grande juridiction.

M. Olivier de Ste-Marie présente les articles supplémentaires suivants :

Art.—La première Législature qui se réunira sous l'autorité de cette Constitution, divisera l'Etat en districts judiciaires qui ne pourront être changés pendant huit années, mais pourront être soumis à une réorganisation à l'expiration de chaque huitième année ensuite. Le nombre de districts ne sera pas au-dessus de douze. Il sera élu un juge pour chaque district ; mais pour le district dans lequel se trouvera située la ville de la Nouvelle-Orléans, la Législature pourra établir autant de Cours de District que l'intérêt public pourra en requérir.

Art.—Chaque juge de district recevra un traitement qui sera fixé par la loi, et qui ne pourra être diminué pendant la durée de ses fonctions ; lequel traitement ne sera jamais au-dessous de trois mille piastres par an.

Art.—Les juges des Cours de District resteront en fonctions pendant le terme de huit années. A la première élection qui en sera faite, ils seront divisés en quatre classes, et la durée des fonctions de chaque classe sera fixée selon qu'il est prescrit par l'article 67 de cette Constitution.

Art.—Les Cours de District exerceront une juridiction de première instance dans toutes affaires civiles lorsque la valeur de l'objet en litige excèdera la somme de——piastres, intérêts non compris ; dans toutes les affaires criminelles, leur juridiction sera sans limites, et la Législature pourra pourvoir à leur juridiction dans toutes les affaires de succession

L'article premier étant lu, M. Lobdell propose de biffer les mots "le nombre de districts ne sera pas au-dessus de douze."

Sur motion, l'article et l'amendement sont déposés sur le bureau.

M. Olivier de Ste-Marie retire alors les trois autres articles.

Sur motion de M. Guion, la Convention s'occupe alors du rapport de la majorité du comité sur le pouvoir législatif, qui est lu paragraphe par paragraphe, savoir :

#### PREMIER PARAGRAPHE.

Art. 8.—La représentation dans la Chambre des Représentants sera égale et uniforme et sera réglée et déterminée par la population entière de chacune des paroisses de l'Etat. Chaque paroisse aura au moins un représentant ; il ne sera créé aucune nouvelle paroisse avec un territoire

de moins de six cent vingt cinq milles carrés, ni avec une population moindre que le nombre entier donnant droit à un représentant, ni lorsque la création d'une telle nouvelle paroisse réduirait toute autre paroisse à une moindre étendue de territoire ou à une population moindre.

M. Simms fait la motion de biffer dans le susdit paragraphe, les mots "six cent vingt cinq," et d'insérer les mots "quatre cents."

M. Herron présente le substitut suivant :

Art. 8.—La représentation dans la Chambre des Représentants sera égale et uniforme et sera réglée et déterminée par le nombre des électeurs ayant qualité pour voter. Chaque paroisse aura au moins un représentant. Aucune paroisse n'aura plus d'un quart de tous les représentants. Il ne sera créé aucune nouvelle paroisse avec un territoire de moins de six cent vingt cinq milles carrés, ni avec un nombre d'électeurs moindre que le nombre entier donnant droit à un représentant. ni lorsque la création d'une telle nouvelle paroisse réduirait toute autre paroisse à une moindre étendue de territoire et à un nombre moindre d'électeurs.

M. Todd propose de renvoyer la considération du susdit rapport.

M. Swazey fait la motion de déposer la motion sur le bureau. Cette motion prévaut.

M. Swazey fait la motion, alors, de déposer le substitut et l'amendement sur le bureau. Laquelle motion est rejetée.

M. Simms réitère sa motion.

M. Swazey fait la motion de la déposer sur le bureau.

Et M. Simms demande l'appel nominal qui présente le résultat suivant :

MM. Anderson de St-Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Armant, Addison, Bradford, Bartlett, Benjamin, Beale, Bienvenu, Bordousquié, Boyer, Bullard, Castellanos, Carter, Campbell, Collens, Conrad, Dalfères, Delony, Declouet, Dufour, Dugué, Duffel, Edwards d'Orl., Edwards de Washington, Eggleston, Eustis, Gardère, Guion, Hayes, Harris, Hargis, Hernandez, Hodges, Hunt, Isaacks, Jourdan, Jones, Key, King de St-L., Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews d'Orl., Martin, Mongé, Nicholls, Ollivier de St-Martin, Olivier de Ste-Marie, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Pujo, Pugh, Reeves, Richardson de Ste-M., Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St-Paul, Staës, Swazey, Shaw, Smith d'O. F., Smith de Winn, Sibley Stewart, Villeré, Waddill, et Williams,

Votent dans l'affirmative—85. Et

MM. Besançon, Beard, Cotton, Connely, Dosson, Farmer, Hatch, Herron, Hébert, Hough, King de Jackson, McMillen, Mathews de Pte C., Richardson du Oua., Roysden, Smart, Scarborough, Shelton, Simms, Tatman, Talbot, Taliafero, Thompson, Todd, Van Wickle, Wittington et Wilcoxon,

Votent dans la négative—27.

La motion prévaut, et l'amendement est en conséquence, déposé sur le Bureau.



Mr. Hough propose alors d'effacer les mots "six cent vingt-cinq," et d'insérer "cinq cent." Cette motion est rejetée.

Mr. Scarborough propose de biffer tout ce qui suit les mots "au moins un représentant" jusqu'à la fin du paragraphe, et d'insérer les mots suivants : "l'Assemblée Générale aura le pouvoir de créer de nouvelles paroisses."

Sur la motion de déposer cet amendement sur le bureau, l'appel nominal est demandé et présente le résultat suivant :

MM. Anderson de St. Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Armant, Bradford, Bartlett, Benjamin, Beard, Bienvenu, Boudousquié, Boyer, Bullard, Castellanos, Carter, Campbell, Collens, Conrad, Dalferes, Declouet, Dufour, Dugué, Duffel, Edwards d'Orl., Eggleston, Eustis, Gardère, Guion, Hays, Harris, Hargis, Hébert, Hernandez, Hodges, Hunt, Isaacks, Jones, Key, King de St. Landry, Leefe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, Mathews d'Orl., Martin, Mather, Mongé, Nicholls, Olivier de St Martin, Olivier de Ste Marie, Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Pierson, Pugh, Reeves, Richardson de Ste Marie, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Robinson, Sandidge, St. Paul, Staës, Swazey, Shaw, Smith de O. F., Sibley, Simms, Stewart, Tatman, Thompson, Villere, Waddill, Williams et Wittington votent dans l'affirmative—85.

Et Messrs. Addison, Besançon, Beale, Cotton, Connely, Delony, Dosson, Edwards de Washington, Farmer, Hatch, Herron, Hough, King de Jackson, McMillen, Mathews de Pte Coupée, Price, Pujo, Richardson de Oua., Smart, Scarborough, Shelton, Smith de Winn, Talbot, Taliafero, Todd, Van Wickle et Wilcoxon votent dans la négative—27.

La motion prévaut et l'amendement est déposé sur le bureau.

Mr. Todd propose d'insérer après les mots "une population moindre que," les mots "deux-tiers."

Mr. Reeves fait la motion de déposer l'amendement sur le bureau.

Sur cette motion Mr. Smart demande l'appel nominal, qui présente le résultat suivant :

Messrs. Anderson de St Landry, Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Bienvenu, Boudousquié, Boyer, Bullard, Castellanos, Campbell, Collens, Conrad, Dalferes, Declouet, Dufour, Dugué, Duffell, Edwards d'Orléans, Edwards de Washington, Eggleston, Eustis, Gardère, Guion, Hays, Harris, Hargis, Hernandez, Hodges, Jourdan, Jones, Key, King de St. Landry, Leefe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Martin, Mather, Mongé, Nicholls, Olivier de St. Martin, Olivier de Ste Marie, Palfrey, Paxton, Patterson, Preaux, Price, Pierson, Pugh, Reeves, Richardson de Ste Marie, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St. Paul, Staës, Swazey, Shaw, Smith de Ouest Féliciana, Sibley, Simms, Stewart, Tatman et Villeré votent dans l'affirmative—75.

Et Messrs. Anderson de Carroll, Besançon, Beale, Beard, Carter, Cotton, Connely, Delony, Dosson, Farmer, Hatch, Herron, Hebert, Hough, Isaacks, King de Jackson, McMillen, Mathews de Pointe Coupée, Parham, Pujo, Richardson de Oua., Roysden, Smart, Scarborough, Shelton, Smith de Winn, Talbot, Taliafero, Thompson, Todd, Van Wickle, Waddill et Wilcoxon votent dans la Négative—33.

Par conséquent la motion prévaut et l'amendement est déposé sur le bureau.

M. Avery propose de biffer les mots suivants dans le substitut présenté par M. Herron, savoir : "Aucune paroisse n'aura plus d'un quart des représentants."

Pendant la discussion de cette motion, M. Taliafero propose un ajournement, et l'appel nominal est demandé, et résulte ainsi, savoir :

MM. Andrews, Anderson, de Carroll ; Addison, Beard, Castellanos, Carter, Campbell, Cotton, Conrad, Dalferes, Delony, Dosson, Edwards, d'Orléans ; Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Hébert, Hernandez, Hough, Hodges, Hunt, Leefe, McMillen, Paxton, Patterson, Price, Pierce, Pierson, Pujo, Pugh, Richardson, d'Ouachita ; Roysden, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Stewart, Taliafero, Todd et Wilcoxon votent dans l'affirmative—46.

Et MM. Anderson, de St Landry ; Avery, Armant, Bradford, Bartlett, Benjamin, Besançon, Beale, Bienvenu, Boudousquié, Boyer, Collens, Connely, Declouet, Dufour, Dugué, Duffel, Edwards, de Washington ; Eggleston, Gardère, Guion, Herron, Isaacks, Jourdan, Jones, Key, King, de St Landry ; King, de Jackson ; Leeds, Lobdill, Lyle, McIlhenny, Mathews, d'Orléans ; Mathews, de Pointe-Coupée ; Martin, Mather, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Parham, Palfrey, Preaux, Reeves, Richardson, de Ste Marie ; Rixner, Risk, Rosélius, Roman, Ronquillo, St Paul, Staës, Swazey, Shaw, Sibley, Simms, Tatman, Talbot, Thompson, Van Wickle, Villeré, Williams, Waddill et Wittington votent dans la négative—64.

Par conséquent la motion d'ajourner est rejetée.

M. Martin demande alors la question préalable, sur laquelle motion,

M. Hunt demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Anderson, de Carroll ; Boudousquié, Boyer, Collens Connely, Dufour, Eggleston, Gardère, Guion, Isaacks, Key, Mathews, d'Orléans ; Mathews, de Pointe-Coupée ; Martin, Mather Monge, Nicholls, Olivier, de Ste Marie ; Palfrey, Pugh, Roman, St Paul, Staës, Swazey, Shaw, Sibley, Simms, Tatman, Waddill, Williams et Wittington votent dans l'affirmative—34.

Et MM. Andrews, Armant, Addison, Bradford, Bartlett, Benjamin, Besançon, Beale, Beard, Bienvenu, Castellanos, Carter, Campbell, Conrad, Dalferes, Delony, Declouet, Dosson, Dugué, Duffell, Edwards, d'Orléans ; Edwards, de Wash-



ington ; Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Jourdan, Jones, King, de St Landry ; King, de Jackson ; Leefe, Leeds, Lobdill, Lyle, McIlhenny, McMillen, Olivier, de St Martin ; Parham, Paxton, Patterson, Price, Pierce, Pierson, Pujo, Reeves, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Rixner, Risk, Rosélius, Roysden, Ronquillo, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith, d'Ouest-Feliciana ; Smith, de Winn ; Stewart, Talbot, Taliafero, Thompson, Todd, Van Wickle, Villeré et Wilcoxon votent dans la négative—75.

Par conséquent la demande de la question préalable est rejetée.

Et sur motion, la Convention s'ajourne à demain matin à 9 heures.

SAMEDI, 24 juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner occupe le fauteuil et 91 délégués sont présents.

#### ORDRE DU JOUR.

##### AFFAIRES NON-TERMINEES.

La Convention reprend la considération du premier paragraphe du 8<sup>me</sup> article, rapporté par la majorité du comité sur le Pouvoir Législatif.

Les propositions de MM. Herron et Avery étant devant la Convention,

M. Hunt propose de prendre le premier paragraphe de l'article 8 de la Constitution actuelle, comme substitut au premier paragraphe rapporté par le comité, savoir :

Art. 8.—La représentation, dans la Chambre des Représentants, sera égale et uniforme, et sera réglée et déterminée par le nombre des électeurs ayant qualité pour voter. Chaque paroisse aura au moins un Représentant ; il ne sera créé aucune nouvelle paroisse avec un territoire de moins de six cent vingt-cinq milles carrés, ni avec un nombre d'électeurs moindre que le nombre entier donnant droit à un Représentant, ni lorsque la création d'une telle nouvelle paroisse réduirait toute autre paroisse à une moindre étendue de territoire et à un nombre moindre d'électeurs.

M. Guion propose de biffer, dans le substitut, les mots suivants : "le nombre des électeurs ayant qualité pour voter" et d'insérer les mots : "population entière."

Pendant la discussion de cette motion,

M. Isaacks demande la question préalable ; sur cette motion, l'appel nominal est demandé et présente le résultat suivant :

MM. Anderson de St-Landry, Akenhead, Avery, Anderson de Carroll, Armant, Bradford, Bartlett, Benjamin, Beard, Boudousquié, Boyer, Buisson, Collens, Connely, Conrad, Declouet, Dufour, Dugué, Edwards, d'Orléans, Eggleston,

Gardère, Guion, Isaacks, Key, Lobdell, Lyle, Mathews, d'Orléans, Marrero, Martin, Mather, Mongé, Nicholls, Olivier de Ste-Marie, Palfrey, Preaux, Pearce, Pugh, Reeves, Rixner, Roselius, Roman, St-Paul, Staës, Swazey, Shaw, Sibley, Tatman, Villeré, Waddill, Williams et Wittington, votent dans l'affirmative 51.

Et MM. Andrews, Addison, Beale, Bienvenu, Bullard, Castellanos, Carter, Cotton, Dalferes, Delony, Dosson, Duffel, Edwards de Wash., Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Jones, King, de St-Landry, King, de Jackson, Leefe, Leeds, LeBlanc, McIlhenny, McMillen, Mathews de Pte-C., Olivier de St-Martin, Parham, Paxton, Price, Pearson, Pujo, Richardson, de Ouach., Richardson, de Ste-Marie, Risk, Roysden, Ronquillo, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith, d'O. Féliciana, Smith, de Winn, Simms, Stewart, Talbot, Taliafero, Thompson, Todd et Wilcoxon votent dans la négative,—59.

Par conséquent, la demande de la question préalable est rejetée.

M. Farmer propose d'ajourner, laquelle motion est rejetée.

M. St-Paul réitère alors la demande de la question préalable.

L'appel nominal est demandé, et présente le résultat suivant :

MM. Anderson, de St-Landry, Akenhead, Avery, Anderson, de Carroll, Armant, Bradford, Bartlett, Benjamin, Beard, Boudousquié, Boyer, Buisson, Collens, Connely, Conrad, Declouet, Dufour, Dugué, Duffel, Edwards, d'Orléans, Eggleston, Gardère, Guion, Isaacks, Key, Lobdell, Lyle, Mathews, d'Orléans, Martin, Mather, Mongé, Nichols, Olivier, de Ste-Marie, Palfrey, Preaux, Pearce, Pujo, Pugh, Reeves, Rixner, Roselius, Roman, Roysden, Ronquillo, St-Paul, Staës, Swazey, Shaw, Smith, d'O Féliciana, Sibley, Tatman, Villeré, Waddill, Williams et Wittington, votent dans l'affirmative,—55.

Et MM. Andrews, Addison, Besançon, Beale, Bienvenu, Bullard, Castellanos, Carter, Cotton, Delony, Dosson, Edwards, de Washington, Eustis, Farmer, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hough, Hernandez, Hodges, Hunt, Jourdan, Jones, King, de St-Landry, King, de Jackson, Leefe, Leeds, Leblanc, McIlhenny, McMillen, Mathews, de Pte-Coupée, Olivier, de St-Martin, Parham, Paxton, Price, Pierson, Richardson, d'Ouachita, Richardson, de Ste-Marie, Risk, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith, de Winn, Simms, Stewart, Talbot, Taliafero, Thompson, Todd, Wan Wickle et Wilcoxon, votent dans la négative, 56.

Par conséquent, la motion est rejetée.

Et sur motion, la Convention s'ajourne à lundi matin, 9 heures.

LUNDI, 26 Juillet 1852.

La Convention se réunit conformément à l'ajournement.



Le Révérend M. Chadbourne ouvre la séance par une prière.

L'Hon. D. F. Kenner occupe le fauteuil et 96 délégués sont présents.

M. Waddill présente l'article additionnel suivant, à être inséré sous le titre de : Pouvoir Législatif, savoir :

“Art. — Sur la passation définitif de tout bill, dans aucune Chambre, le vote sera pris par OUI et NON, et entré sur le Journal, et aucune loi ne sera passée, soit dans une Chambre, soit dans l'autre, sans une majorité des membres y élus.”

Sur motion du même délégué, le susdit article est déposé sur le bureau, provisoirement.

M. Sandidge présente par écrit, les motifs qui l'ont engagé à voter contre le rapport du comité Judiciaire, ainsi qu'il a été adopté par la Convention.

Sur motion, les dites raisons sont insérées dans le Journal, savoir :

Je vote contre le rapport entier du Comité sur le Pouvoir Judiciaire, pour les raisons suivantes :

1o. Parce que, dans l'organisation de la Cour Suprême, il est émis en principe, que le verdict d'un juri, dans le jugement d'affaires civiles devant les Cours inférieures, peut être annulé, ou révoqué par la Cour d'Appel, après une révision des faits, ainsi que de la loi ;

2o. Parce que, tandis qu'il est reconnu essentiel à la sécurité des droits du peuple, que la juridiction de la Cour soit ainsi étendue jusqu'aux *faits* dans les affaires civiles, lorsque la valeur de l'objet en litige excèdera la somme de trois cents piastres, — néanmoins la Cour est refusée, — ce que je ne lui accorderai certainement pas — un pouvoir pareil dans les affaires criminelles — distinction qui est devenue odieuse aux yeux du peuple ;

3o. Parce que, tandis qu'un pouvoir irrévocable est alloué à eux et à un juri de leur formation, quant aux *faits*, lorsque leurs *vies* et leurs *libertés* sont en jeu — néanmoins le même pouvoir est refusé lorsqu'une matière minime d'argent est en question.

J'y suis opposé, parce qu'il est dû au peuple que telle justice que la loi ordonne, soit mesurée sommairement, et avec le moins de frais possible ; ces fins ne peuvent être obtenues, tant que les juges de la Cour Suprême seront tenus d'examiner des montagnes de témoignages par écrit, et parce que tant que cet examen inutile sera exigé, le nombre des juges ne pourra être diminué.

Et comme principe, j'y suis opposé pour la raison que : le verdict d'un juri devrait être définitif dans toutes affaires de *faits* ; et à cause du peu de cas qui est fait de la volonté du peuple, exprimée déjà par deux Législatures, relativement au nombre de ces juges, leurs salaires, et la durée de leurs fonctions.

Et enfin, parce que deux mille quatre cents des deux mille cinq cents électeurs que je représente ici, voteraient contre le système de ce pouvoir judiciaire, s'il leur était soumis, séparé du reste de la Constitution

[Signé]

JNO M. SANDIDGE.

Nous approuvons et donnons notre concours aux raisons données par notre délégué sénatorial, pour son opposition au rapport du comité Judiciaire.

[Signé]

R. HODGE, de Bossier.

B. W. PEARCE, de Bienville.

R. A. HARGIS, de Claiborne.

## ORDRE DU JOUR.

### AFFAIRES NON-TERMINEES.

La Convention reprend alors la considération du rapport de la majorité du comité sur le Pouvoir Législatif.

Le premier paragraphe du rapport étant devant la Convention, ainsi que le substitut présenté par M. Hunt, et l'amendement présenté par M. Guion,

M. Guion retire l'amendement présenté par lui samedi, le 24 du courant.

M. Carter présente alors le “proviso” suivant au substitut de M. Hunt, savoir :

“Bien entendu qu'aucune paroisse ou ville n'aura droit à plus d'un quart du nombre total des Représentants.”

M. Guion fait la motion de déposer le “proviso” sur le bureau.

Sur cette motion, l'appel nominal est demandé et présente le résultat suivant :

MM. Anderson, de St-Landry, Akenhead, Avery, Andrews, Addison, Bartlett, Bradford, Benjamin, Besançon, Bienvenu, Brother, Bullard, Buisson, Byrne, Castellanos, Collens, Cotton, Connely, Conrad, Dalférès, Declouet, Dosson, Dufour, Dugué, Duffel, Edwards, d'Orléans, Edwards, de Washington, Eggleston, Eustis, Gardère, Guion, Hayes, Harris, Hargis, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King, de St-Land., Lapeyre, Leefe, Leeds, LeBlanc, Lyle, McIlhenny, Mathews, d'Orléans, Marrero, Martin, Mather, Mongé, Nichols, Olivier, de St-Martin, Olivier, de Ste-Marie, Palfrey, Paxton, Preaux, Price, Pearce, Pierson, Pujo, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Robinson, Sandidge, St-Paul, Staës, Smart, Swazey, Shaw, Shelton, Smith, de Winn, Sibley, Tattman, Taliaferro, Thompson, Villeré, Williams, Wittington et Wilcoxon, votent dans l'affirmative, — 90.

Et MM. Anderson, de Carroll, Beale, Beard, Boyer, Carter, Campbell, Delony, Hatch, Heron, King, de Jackson, McMillen, Moss, Parham, Phillips, Richardson de Oua., Roysden, Scarborough, Smith, de O. Féliciana, Simms, Stewart, Talbot, Todd, Van Wickle et Waddill, votent dans la négative, — 24.

La motion prévaut, et le “proviso” est, par conséquent, déposé sur le Bureau.

M. Guion réitère alors sa proposition de biffer dans le substitut présenté par M. Hunt, les mots “nombre des électeurs” et d'insérer les mots “population entière.”

Pendant la considération de la dite proposition,

M. Dalférès demande la question préalable ; sur laquelle motion,



M. McIlhenny, demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St-Landry, Avery, Bradford, Benjamin, Beard, Rienvenu, Brother, Buisson, Byrne, Campbell, Collens, Dalferès, Declouet, Dufour, Dugué, Duffel, Edwards, d'Orl. Edwards, de Washington, Eggleston, Eustis, Gardère, Guion, Hayes, Hough, Isaacks, Jennings, Jones, Key, Lapeyre, Le Blanc, Lyle, Mathews, d'Orléans, Marrero, Mather, Mongé, Nichols, Olivier, de St-Martin, Olivier, de Ste-Marie, Palfrey, Preaux, Pearce, Pierson, Pugh, Reeves, Rixner, Roman, Roysden, Ronquillo, Roselius, Sandidge, Smart, Smith, d'Ouest-Eéli-ciana, Sibley, Tatman, Thompson, Villeré, Williams et Wittington, votent dans l'affirmative, —58.

MM. Akenhead, Anderson de Carroll, Addison, Besançon, Beale, Boyer, Bullard, Castellanos, Carter, Cotton, Conrad, Dosson, Farmer, Hatch, Hargis, Harris, Hébert, Herron, Hernandez, Hodges, Hunt, Jourdan, King de St-L., King de Jackson, Leefe, Leeds, McIlhenny, McMillen, Mathews, Martin, Moss, Parham, Paxton, Patterson, Price, Phillips, Pujo, Richardson du Oua., Richardson de Ste-Marie, Risk, Robinson, St-Paul, Staës, Swazey, Shaw, Scarborough, Shelton, Smith de Winn Simms, Stewart, Talbot, Taliafero, Todd, Van Wickle et Waddill,

Votent dans la négative—55.

Par csnséquent la motion prévaut.

La question première étant sur la proposition de M. Guion, l'appel nominal est demandé et présente le résultat suivant :

MM. Anderson de St-Landry, Akenhead, Avery, Anderson de Carroll, Benjamin, Beale, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell Collens, Connely, Conrad, Dalferes, Delony, Declouet, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardère, Guion, Herron, Hernandez, Isaacks, Jennings, Key, King de St-Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McMillens, Mathews d'Orl., Mathews de Pte-C., Marrero. Martin, Mather, Moss, Mongé, Nichols, Olivier de St-Martin, Olivier de Ste-Marie, Parham, Palfrey, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson de Ste-Marie, Rixner, Roselius, Roman, Roysden, Ronquillo, St-Paul, Staës, Swazey, Shaw, Smith d'O. F. Sibley, Simms, Stewart, Tatman, Talbot, Van Wickle, Waddill, Williams, Wittington et Wilcoxon,

Votent dans l'affirmative—76. Et

MM. Andrews, Addison, Bradford, Barlett, Besançon, Beard, Bienvenu, Brother, Bullard, Cotton, Dosson, Edwards de Wash., Eustis, Farmer, Hatch, Hays, Harris, Hargis, Hébert, Hough, Hodges, Hunt, Jourdan, Jones, King de Jackson, Leeds, McIlhenny, Price, Pierce, Pierson, Pujo, Richardson de Oua., Risk, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith de Winn, Taliafero, Thompson, Todd et Villeré,

Votent dans la négative—43.

Par conséquent l'amendement est adopté.

Les membres suivants présentent par écrit

leurs raisons pour avoir voté pour ou contre la motion de M. Guion, et demandent que leurs objections soient insérées sur le journal :

Je vote en faveur de la représentation sur la base de la population entière, pensant que si l'autre base est adoptée, la délégation de la Nlle-Orléans sera restreinte.

(Signé)

JENNINGS d'Orléans.

Je vote contre la base de la population entière parce que je considère que la base électorale est la seule vraie base démocratique de représentation ; et étant démocrate, je vote selon mon opinion des principes du parti auquel j'appartiens.

(Signé)

P. O. HEBERT.

Je vote en faveur de la base de la population entière, sachant qu'il y a un sentiment véhément d'opposition parmi les membres de la campagne envers la ville de la Nouvelle-Orléans, et en présence de ce sentiment, j'ai été forcé de choisir entre la base totale et la restriction permanente, (et qui ne pourra jamais être enlevée) d'un quart de la représentation.

Dans la première alternative, il reste un espoir, que, au moyen des grandes améliorations achevées et projetées, la Nouvelle-Orléans pourra, par l'augmentation de sa population, par son commerce, bientôt regagner la perte qu'elle fait maintenant.

Dans la seconde alternative, tout espoir est ôté, et le dernier coup est donné à l'égalité de la cité avec le reste de l'Etat.

Mon choix ne pouvait être douteux, voyant que la base électorale ne pouvait être établie, laquelle est la véritable sans la restriction dans le nombre limité, imposée sur la Nouvelle-Orléans ; et croyant avec le rapporteur du comité sur le pouvoir législatif, que les partisans de la base totale, ne désirent pas de restriction et voteront en conséquence.

[Signé]

ROBERT PREAUX.

La question étant sur l'adoption du substitut amendé, M. Guion fait la motion de le rejeter. Cette motion prévaut.

M. Guion propose alors d'adopter le paragraphe original, ainsi qu'il est rapporté par la majorité du comité sur le pouvoir législatif.

Sur cette motion, M. Hunt demande l'appel nominal qui présente le résultat suivant :

MM. Anderson de St-L., Akenhead, Avery, Anderson de Carroll, Benjamin, Beale, Brother, Boyer, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Dalferes, Delony, Declouet, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardère, Guion, Herron, Hernandez, Isaacks, Jennings, Key, King de St-L., Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McMillen, Mathews d'Orl., Mathews de Pte-C., Marrero, Martin, Mather, Moss, Mongé, Nichols, Olivier de St-Mart., Olivier de Ste-Marie, Parham, Palfrey, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson de Ste-Marie, Rixner, Roselius, Roman, Roysden,

Votent dans l'affirmative, 77. Et

Ronquillo, St-Paul Staës, Swazey, Shaw, Smith d'O. F., Sibley, Simms, Stewart, Tatman, Tal-



bot, Van Wickle, Waddill, Williams, Wittington et Wilcoxon,

MM. Andrews, Addison, Bradford, Barlett, Besançon, Beard, Bienvenu, Bullard, Cotton, Dosson, Edwards de Wash., Eustis, Farmer, Hatch, Hays, Harris, Hargis, Hébert, Hough, Hodges, Hunt, Jourdan, Jones, King de Jack., Leeds, Milhenny, Price, Pierce, Pierson, Pujo, Richardson de Ouachita, Risk, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith de Winn, Taliafero, Thompson, Todd et Villeré,

Votent dans la négative—42.

Par conséquent la motion de M. Guion prévaut et le premier paragraphe du rapport est adopté.

Les délégués suivants présentent par écrit les motifs qui les ont engagés à voter pour ou contre l'adoption du paragraphe rapporté par le comité: ils demandent et obtiennent que ces motifs soient enrégistrés sur le journal, savoir :

Nous votons dans l'affirmative, car ayant consulté les tableaux, nous nous apercevons qu'il serait contre nos intérêts de voter différemment attendu que ce serait nous faire perdre un représentant additionnel, auquel nous aurions autrement droit.

(Signé)

H. C. CASTELLANOS,  
E. STAES

Je vote oui étant persuadé que la base électorale donnerait une prépondérance injuste à l'intérêt commercial sur l'intérêt agricole de l'Etat.

(Signé)

A. J. MOSS.

Les soussignés, par cette présente, protestent contre l'adoption de la base de la population totale comme base de représentation, pour les raisons suivantes, savoir : 1o. Ils pensent que l'adoption de la base totale serait la destruction des principes d'un Gouvernement Républicain et de toute égalité politique, et que l'effet de l'adoption de cette base serait d'enlever le pouvoir aux électeurs, et de le placer entre les mains des propriétaires d'esclaves, et par ce moyen, introduire dans notre Gouvernement les principes odieux d'un gouvernement aristocrate ; 2o. Que la base électorale, pour la Chambre des Représentants, a existé depuis l'année 1812, et les intérêts de l'Etat n'en ont pas été atteints, et aucune plainte n'en a été faite par le peuple ; nous ne voyons aucune raison empêchant l'adoption de la base électorale.

(Signé)

WADE H. HOUGH,

(Signé)

J. G. TALIAFERO,

(Signé)

W. H. DOSSON,

(Signé)

J. M. SHELTON,

(Signé)

JOHN R. SMART.

Le deuxième paragraphe du rapport est alors lu en ces termes :

Le premier dénombrement que feront exécuter les autorités en vertu de cette Constitution, aura lieu en 1853, le second en 1858, et le troisième en 1863. Après cette dernière année, l'Assemblée Générale indiquera de quelle manière doit être opéré le recensement, pourvu qu'il ait lieu une fois au moins tous les dix ans afin de cons-

tater la population totale de chaque paroisse et de chaque District Electoral.

M. Connely propose de biffer dans le susdit paragraphe, la date "1863", et d'insérer "1865".

Cette motion prévaut.

Sur motion, le paragraphe ainsi amendé est adopté.

La lecture du troisième paragraphe est alors faite en ces termes :

"A la première session régulière des Chambres qui suivra chaque dénombrement, la Législature répartira la représentation entre les différentes paroisses et les divers Districts Electoraux, en prenant pour base la population totale. Un diviseur sera déterminé et chaque Paroisse et District Electoral aura le nombre de Représentants auquel lui donnera droit sa population totale, et en outre un représentant pour toute fraction qui excèdera la moitié du diviseur. Le nombre des Représentants ne dépassera pas le nombre cent, et ne sera pas moindre de soixante-dix."

M. Todd fait la motion de biffer le mot "cent" et d'insérer les mots "cent-dix".

M. Guion fait la motion de déposer l'amendement sur le bureau,

Et sur l'appel nominal il paraît que

MM. Anderson, de St Landry ; Akenhead, Avery, Addison, Bradford, Bartlett, Benjamin, Beale, Beard, Bienvenu, Brother, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Collens, Connely, Conrad, Declouet, Dosson, Dufour, Dugué, Duffel, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Eustis, Farmer, Gardère, Guion, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jones, Key, King, de St Landry ; Lapeyre, Leefe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews, d'Orléans ; Marrero, Martin, Mather, Moss, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Pierson, Pugh, Reeves, Richardson, de Ste Marie ; Rixner, Risk, Rosélius, Roman, Roysden, Ronquillo, Sandidge, St Paul, Staës, Swazey, Shaw, Smith, d'Ouest-Féliciana ; Sibley, Tatman, Talbot, Thompson, Villeré, Williams, Wittington et Wilcoxon votent dans l'affirmative—91.

Et MM. Besançon, Boyer, Cotton, Hébert, Jourdan, King, de Jackson ; Mathews, de Pte-Coupée ; Price, Richardson, d'Ouachita ; Robinson, Smart, Scarborough, Shelton, Smith, de Winn ; Simms, Stewart, Taliafero, Todd, Van Wickle et Waddell votent dans la négative—20.

La motion prévaut, et l'amendement est en conséquence déposé sur le bureau.

Sur motion, le paragraphe est adopté sans amendement.

La Convention s'occupe alors des quatrième et cinquième paragraphes qui, sur motion, sont adoptés, savoir :

"La Représentation au Sénat et à la Chambre des Représentants, restera comme elle est maintenant établie par la loi jusqu'à ce que la répartition soit exécutée, et que les élections qui la



suivront aient lieu conformément au premier dénombrement ci-dessus ordonné.”

“ Les limites de la paroisse d'Orléans sont agrandies de manière à comprendre toute la ville actuelle de la Nouvelle-Orléans, y compris cette partie de la paroisse de Jefferson connue autrefois sous le nom de ville de Lafayette.”

Le sixième alinéa est alors lu en ces termes :

Toute cette partie de la paroisse d'Orléans, située sur la rive gauche du Mississippi sera divisée par la Législature en dix Districts Représentatifs au plus ; et jusqu'à ce qu'une nouvelle répartition ait lieu conformément au premier recensement qui doit s'opérer en vertu de la présente Constitution, cette partie de la ville de la Nouvelle-Orléans qui est comprise dans les anciennes limites de la ville de Lafayette, formera le dixième District Représentatif et concourra à nommer les Sénateurs de la paroisse d'Orléans. Les autres Districts Représentatifs resteront ce qu'ils sont maintenant.

M. Gardère fait la motion d'en effacer les mots suivants : “ sera comprise et formera une portion du premier ”, et d'insérer les mots “ formera le dixième ” ; aussi d'insérer après les mots “ District et ”, les mots suivants : “ élira deux Représentants sur les trois que nommait, conformément à la loi, la paroisse Jefferson ”.

Cette motion prévaut.

M. St Paul propose de biffer dans l'amendement de M. Gardère le mot “ dixième ” et d'insérer le mot “ quart ”.

Cette motion est rejetée.

M. Eustis obtient le privilège de faire enregistrer son vote en faveur de la proposition de M. St Paul.

M. Conrad fait la motion de biffer les mots “ au plus ” et d'insérer les mots “ au moins ”.

Cette motion est rejetée.

Et sur motion, le sixième alinéa est adopté ainsi qu'il est amendé.

La Convention passe alors à l'article 15 du Rapport, qui est lu en ces termes :

Art. 15—“ Chaque fois que la Législature répartira la Représentation à la Chambre des Représentants, elle divisera l'Etat en Districts Sénatoriaux. Aucune paroisse, la paroisse d'Orléans exceptée, ne pourra être divisée pour la formation d'un District Sénatorial. Quand une nouvelle paroisse sera créée elle sera annexée au District Sénatorial d'où provient la plus grande partie de son territoire, ou à un District contigu, au choix de la Législature, mais elle ne pourra jamais être annexée à plus d'un District. Le nombre des Sénateurs sera de 32, et ils seront répartis entre les différents Districts Sénatoriaux selon la population totale que renferme chaque District ; néanmoins, aucune paroisse n'aura plus d'un huitième du nombre de Sénateurs.

M. Pierce fait la motion d'insérer à la suite du mot “ totale ”, les mots “ des blancs ”.

M. Guion fait la motion de déposer l'amendement sur le bureau, et sur motion de M. Smart, l'appel nominal est fait, et donne le résultat suivant :

MM. Anderson de St Landry ; Akenhead, Avery, Anderson de Carroll ; Bradford, Benjamin, Brother, Boyer, Buisson, Byrue, Castellanos, Carter, Collens, Connely, Conrad, Dalferes, Declouet, Dufour, Dugué, Duffel, Edwards, d'Orléans ; Eggleston, Gardère, Guion, Hatch, Hernandez, Isaacks, Key, King, de St Landry ; Lapeyre, Leeffe, Le Blanc, Lobdell, Lyle, Mathews, d'Orléans ; Mathews, de Pointe-Coupée ; Martin, Moss, Nicholls, Olivier, de St Martin ; Olivier, de Ste M. ; Palfrey, Paxton, Patterson, Preaux, Pugh, Reeves, Richardson, de Ste Marie ; Rixner, Roman, St Paul, Staës, Swazey, Shaw, Sibley, Stewart, Tatman, Talbot, Villeré, Waddell, Williams, Wittington et Wilcoxon votent dans l'affirmative—63.

Et MM. Andrews, Addison, Besançon, Beale, Beard, Bienvenu, Bullard, Cotton, Delony, Dosson, Edwards, de Washington ; Eustis, Farmer, Hayes, Harris, Hargis, Herron, Hébert, Hough, Hodges, Jennings, Jourdan, Jones, King, de J. ; Leeds, McIlhenny, McMillen, Price, Pierce, Pierson, Richardson, d'Ouachita ; Risk, Rosélius, Roysden, Ronquillo, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith, de Winn ; Taliafero, Thompson et Todd votent dans la négative—44.

Par conséquent la motion prévaut, et l'amendement est déposé sur le bureau.

M. Hunt fait la motion de biffer tout ce qui suit les mots “ à plus ” jusqu'à la fin de l'article, et d'insérer les mots “ de cinq Sénateurs ”.

M. Richardson, d'Ouachita fait la motion de déposer l'amendement sur le bureau.

Et sur l'appel nominal, il paraît que

MM. Anderson, de St Landry ; Akenhead, Avery, Andrews, Addison, Bradford, Benjamin, Bienvenu, Brother, Boyer, Buisson, Byrne, Castellanos, Collens, Cotton, Dalferes, Declouet, Dufour, Dugué, Edwards, d'Orléans ; Eggleston, Eustis, Gardère, Guion, Hayes, Hébert, Hernandez, Hunt, Jennings, Jourdan, Jones, Key, King, de St Landry ; Lapeyre, Leeffe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans ; Martin, Moss, Olivier, de St Martin ; Olivier, de Ste Marie ; Palfrey, Paxton, Preaux, Price, Pierson, Pujo, Pugh, Reeves, Richardson, de Ste Marie ; Rixner, Risk, Rosélius, Roman, Robinson, St Paul, Staës, Swazey, Shaw, Smith, de Winn ; Sibley, Tatman, Taliafero, Villeré, Waddell, Williams, Wittington et Wilcoxon votent dans l'affirmative—72.

Et MM. Anderson, de Carroll ; Bartlett, Besançon, Beale, Beard, Carter, Campbell, Connely, Conrad, Delony, Dosson, Duffel, Edwards, de Washington ; Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, Isaacks, King, de J. ; McMillen, Mathews, de Pointe-Coupée ; Monge, Nicholls, Parham, Patterson, Pierce, Richardson, d'Ouachita ; Roysden, Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith, d'Ouest-Féliciana ; Simms, Stewart, Talbot, Thompson et Todd votent dans la négative—42.

La motion de M. Hunt prévaut, et l'amendement de M. Hunt est adopté.

M. Pierce fait la motion de biffer les mots



“population totale”, et d'insérer les mots “électeurs ayant qualité de voter”.

M. Reeves propose de déposer l'amendement sur le bureau.

L'appel nominal est demandé, et donne le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Anderson, de Carroll ; Bradford, Benjamin, Brother, Boyer, Buisson, Byrne, Castellanos, Carter, Collens, Connely, Conrad, Dalferes, Declouet, Dufour, Dugué, Duffel, Edwards d'Orleans ; Eggleston, Gardère, Guion, Hatch, Hayes, Hernandez, Isaacks, Key, King, de St Landry : Lapeyre, Lecfe, Le Blanc, Lobdell, Lyle, Mathews, d'Orléans ; Mathews, de Pointe-Coupée ; Marrero, Martin, Moss, Monge, Olivier, de St Martin, Olivier, de Ste Marie ; Parham, Palfrey, Paxton, Patterson, Preaux, Pugh, Reeves, Rixner, Rosélius, Roman, Ronquillo, St Paul, Staës, Swazey, Shaw, Smith, d'Ouest-Féliciana ; Sibley, Stewart, Tatman, Talbot, Villeré, Waddell, Williams, Wittington et Wilcoxon votent dans l'affirmative—68.

MM. Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Campbell, Cotton, Delony, Dosson, Edwards, Farmer, Harris, Hargis, Heron, Hébert, Hough, Hodges, Jennings, Jourdan, Jones, King, McIlhenny, McMillen, Nicholls, Price, Pearce, Pierson, Pujo, Richardson, Risk, Roysden, Robinson, Sandidge, Smart, Scarborough, Shelton, Smith, de Winn, Simms, Taliafero, Thompson et Todd, votent dans la négative, — 42.

Par conséquent, la motion prévaut et l'amendement est déposé sur le bureau.

Sur motion, l'article est adopté, ainsi qu'il a d'abord été amendé.

Lecture est alors faite de l'article 16, qui est adopté sans amendement, savoir :

“Art. 16.—Dans toute répartition sénatoriale, la population de la Nouvelle-Orléans sera déduite de la population de tout l'Etat et le chiffre qui restera sera divisé par le nombre vingt-sept. Le résultat obtenu par ce moyen deviendra le diviseur sénatorial, lequel donnera à un district sénatorial droit à un Sénateur. Les districts seront formés soit de simples paroisses, soit de paroisses contiguës, ayant une population qui devra se rapprocher le plus possible du diviseur représentant un Sénateur. Si dans la répartition, une paroisse ou un district manque d'un cinquième de population pour atteindre au diviseur, ou excède ce diviseur dans la proportion d'un cinquième, il sera permis alors, mais seulement dans ce cas, de former un district qui n'aura pas plus de deux Sénateurs. Une fois un Sénateur élu, la durée de ses fonctions ne pourra jamais être réduite par suite d'une répartition nouvelle. Lorsque le dénombrement de la population aura été accompli, conformément à l'article 8 de cette Constitution, la Législature ne pourra voter aucune loi avant d'avoir réparti la représentation dans les deux Chambres de l'Assemblée Générale.”

Sur motion, la Convention s'ajoute à demain matin 9 heures.

MARDI, 27 juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. Gache fait l'ouverture des délibérations par des prières.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil, et 91 délégués sont présents.

M. Williams présente la résolution suivante, qui, sur motion, est référée au comité chargé des Dispositions Transitoires, savoir :

“Résolu qu'aussitôt après l'ajournement de la Convention, le Gouverneur lancera des WRITS d'élection aux shérifs des différentes paroisses de l'Etat, leur enjoignant d'ouvrir et de tenir une élection dans chaque paroisse de l'Etat, aux lieux désignés par la loi, le premier lundi de novembre prochain, à l'effet d'obtenir le sens du peuple de cet Etat quant à l'adoption ou au rejet de cette Constitution amendée. Chaque électeur devra écrire sur son bulletin “acceptée” ou “rejetée”, et les commissaires compteront attentivement chaque bulletin ainsi déposé, et feront immédiatement leurs rapports aux shérifs, qui, à leur tour, feront leur rapports conformément à la loi existante. Et s'il appert des dits rapports que la majorité de tous les votes donnés est favorable à la ratification de cette Constitution amendée, il sera du devoir du Gouverneur de publier le fait par proclamation, — que la Constitution soit acceptée ou rejetée, — et devra faire publier le résultat dans la gazette de l'Etat, avec le nombre de votes donnés pour et contre la dite Constitution.

Si le peuple accepte cette Constitution amendée, il sera du devoir du Gouverneur de lancer des mandats d'élection aux shérifs des différentes paroisses de cet Etat, leur enjoignant de tenir une élection aux lieux désignés par la loi, le “premier lundi de janvier,” pour les membres de l'Assemblée Générale, Gouverneur, Lieutenant-Gouverneur et tous les autres fonctionnaires à l'élection desquels il est pourvu par cette Constitution amendée (les juges exceptés) et d'en faire leurs rapports selon les lois existantes en matière d'élection d'Etat. Et que l'Assemblée Générale ainsi élue se réunira à la Maison d'Etat, le troisième lundi du même mois (janvier), et le Gouverneur et le Lieutenant-Gouverneur élus en même temps, devront être dûment institués en office pendant la première semaine de la session législative, avant que la dite Assemblée Générale soit compétente pour entreprendre la poursuite de ses travaux.”

M. Herron, au nom du comité nommé pour répartir l'Etat en Districts judiciaires, présente le rapport suivant :

Le comité nommé à l'effet de diviser l'Etat en Districts pour l'élection des juges de la Cour Suprême, présente les Districts suivants :

#### PREMIER DISTRICT

Cette portion de la paroisse d'Orléans, située sur la rive gauche du Mississippi, — cette partie de la ville de la Nouvelle-Orléans, autrefois connue sous le nom de Lafayette, exceptée.



## 2D. DISTRICT

Les paroisses de Plaquemines, Saint-Bernard, cette partie de la paroisse d'Orléans située sur la rive droite du Mississipi, Jefferson, — y compris cette portion de la Nouvelle-Orléans connue autrefois sous le nom de Lafayette, St-Jean-Baptiste, St-Charles, St-Jacques, Ascension, Assomption, Lafourche, Terrebonne, Ouest-Bâton-Rouge et Iberville.

## 3E. DISTRICT.

Les paroisses de St-Tammany, Washington, Livingston, Ste-Hélène, Est-Bâton-Rouge, Est-Féliciana, Ouest-Féliciana, Pointe-Coupée, Avoyelles, Tensas, Concordia, Lafayette, Vermilion, Ste-Marie, St-Martin et St-Landry.

## 4E. DISTRICT.

Les paroisses de Calcasieu, Rapides, Sabines, Nachitoches, De Soto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll et Winn.

(Signé)

ANDREWS S. HERRON,  
Rapporteur.

Sur motion de M. Dufour, 200 exemplaires du dit rapport seront imprimés, et le rapport est mis à l'ordre du jour pour demain.

M. Simms propose de passer à une résolution présentée par lui quelques jours auparavant, relativement "à la soumission au peuple de cette Constitution, etc.," et qui avait été déposée sur le bureau, provisoirement.

Sur motion du même délégué, la résolution est référée au comité sur les Dispositions Transitoires.

M. Waddill propose de prendre en considération l'article additionnel présenté par lui hier, et déposé sur le bureau, sujet à l'appel de la Convention.

Sur motion du même délégué, la dernière clause de l'article est biffée, et

Sur motion de M. Sandidge, l'article est déposé sur le bureau.

M. Connely présente la résolution suivante :  
"Résolu que le comité des Dépenses casuelles est requis de désigner à cette Convention un plan pour obtenir de l'argent, à l'effet de payer aux membres et officiers de cette Convention, leurs salaires et leur "per diem."

M. Gardère fait la motion de déposer la résolution sur le bureau.

Cette motion est rejetée.

Et sur motion de M. Connely, la résolution est adoptée.

M. Olivier de Sainte-Marie, ayant voté, hier, avec la majorité, sur l'adoption du 6e paragraphe du rapport du comité sur le Pouvoir Législatif, en demande la reprise en considération, qui est accordée.

Le 6e paragraphe état devant la Convention,

M. Jourdan propose d'en biffer tout ce qui suit les mots "districts représentatifs" jusqu'à la fin du paragraphe.

Cette motion est rejetée.

M. Benjamin propose alors d'amender le paragraphe en insérant après les mots "ville de La-

fayette," les mots suivants : "concourront à élire les Sénateurs de la paroisse d'Orléans et".

M. Cotton propose comme sous-amendement, d'insérer après les mots "ville de Lafayette" les mots suivants, savoir : "concourront à élire le cinquième Sénateur pour la paroisse d'Orléans."

M. Dufour fait la motion de déposer le sous-amendement de M. Cotton sur le bureau, et sur l'appel nominal il parut que :

MM. Anderson de St-L., Akenhead, Avery, Andrews, Anderson de Carroll, Bradford, Bartlett, Benjamin, Brother, Buisson, Byrne, Castellanos, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards, d'O. Eggleston, Gardère, Guion, Hayes, Harris, Hernandez, Hodges, Jennings, Jones, King de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews, d'Orl, Martin, Mather, Nicholls, Olivier de Ste-Marie, Palfrey, Paxton, Patterson, Preaux, Price, Pugh, Reeves, Richardson du Oua., Richardson de Ste-M., Rixner, Risk, Roselius, Roman, St-Paul, Staës, Shaw, Scarborough, Smith d'O. F., Tatman, Williams et Wilcoxon, votent dans l'affirmative — 63.

Et MM. Besançon, Beale, Beard, Bienvenu, Cotton, Dalferes, Delony, Dosson, Eustis, Farmer, Hatch, Hargis, Herron, Hough, Jourdan, LeBlanc, McMillen, Mathews de Pte-Coupée, Marrero, Moss, Pearce, Phillips, Ronquillo, Robinson, Sandidge, Smart, Shelton, Smith de Winn, Simms, Taliafero, Van Wickle, Villeré, Waddill et Wittington, votent dans la négative.—34

Par conséquent, la motion prévaut et l'amendement est déposé sur le bureau.

La question étant alors sur la motion de M. Benjamin, elle est adoptée.

Et sur motion, le 6e paragraphe est adopté de nouveau, ainsi amendé.

M. Richardson de Ouachita ayant voté hier avec la majorité, sur l'adoption du 4e paragraphe du rapport du même comité, en demande la reprise en considération.

M. Guion fait la motion de déposer cette proposition sur le bureau, et

M. Richardson de Ouachita, demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson de St-Landry, Akenhead, Avery, Andrews, Bradford, Benjamin, Brother, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Eustis, Gardère, Guion, Hayes, Harris, Hernandez, Hunt, Jennings, Jones, Key, King de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mather, Nicholls, Olivier de Ste-Marie, Palfrey, Patterson, Preaux, Price, Pearson, Pugh, Reeves, Richardson de Ste-Marie, Rixner, Roselius, Roman, Sandidge, St-Paul, Staës, Swazey, Shaw, Smith d'O. Fél., Taliafero, Tatman, Villeré Williams et Wilcoxon votent dans l'affirmative. — 65.

MM. Anderson de Carroll, Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Cotton, Dalferes, Dosson, Douglass, Edwards de W. Farmer,



Hargis, Herron, Hodges, Jones, King de Jackson, LeBlanc, McMillen, Mathews de Pte-C., Paxton, Pearce, Phillipps, Richardson du Oua., Roysden, Ronquillo, Robinson, Smart, Scarborough, Shelton, Smith de Winn, Sibley, Simms, Stewart, Todd, VanWickle, Waddill et Wittington, votent dans la négative. —39

La motion prévaut et la proposition est déposée sur le bureau.

Sur motion de M. Roman, la Convention passe au rapport de la majorité du comité sur les Dispositions Générales, à être discuté article par article.

Lecture est alors faite de l'article 113 (le 1er article du rapport), en ces termes, savoir :

Art 113.— L'Etat ne pourra prêter son secours à aucune association particulière, à moins qu'elle ne soit instituée exclusivement pour des travaux d'améliorations internes, dans les limites de l'Etat ; Et l'Etat ne pourra s'engager en faveur de telle corporation ou association, qu'en proportion d'un cinquième du capital, et des bons ne seront émis en paiement, qu'en proportion du capital versé par les actionnaires.

M. Hunt propose d'effacer dans le dit article les mots "dans les limites de l'Etat."

M. Herron présente ce qui suit comme substitut :

L'Etat ne pourra prêter son secours à aucune association ou corporation, et l'Etat ne pourra s'engager en faveur de telle corporation ou association.

M. Risk fait la motion de déposer le substitut sur le bureau.

Et sur l'appel nominal il paraît que :

MM. Anderson de St-Landry, Akenhead, Avery, Andrews, Anderson de Carroll, Bradford, Bartlett, Benjamin, Brother, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Cotton, Conrad, Declouet, Douglass, Dufour, Dugué, Edwards d'Orléans, Eggleston, Farmer, Gardère, Guion, Hayes, Harris, Hernandez, Hunt, Jennings, Jones, Key, King de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, Mathews d'Orléans, Martin, Nicholls, Olivier de Ste-Marie, Palfrey, Paxton, Preaux, Price, Richardson de Ouachita, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Robinson, St-Paul, Staës, Swazey, Smith d'O. Féliciana, Sibley, Tatman, Todd, Villeré, Williams, et Wilcoxon votent dans l'affirmative— 65.

Et MM. Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Carter, Dalférès, Edwards de Washington, Eustis, Hatch, Hargis, Herron, Hébert, Hough, Hodges, Isaacks, Jourdan, King de Jackson, LeBlanc, McMillen, Mathews de Pte-Coupée, Marrero, Moss, Patterson, Pearce, Pierson, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Smart, Shaw, Scarborough, Shelton, Smith de Winn, Simms, Stewart, Talbot, Taliafero, Van Wickle, Waddill et Wittington, votent dans la négative — 44.

La motion prévaut et le substitut est en conséquence déposé sur le bureau.

M. Phillips propose alors de prendre comme

substitut à l'article rapporté par le comité sur les dispositions générales, l'article 113 de la Constitution de 1845, qui est ainsi conçu :

Art. 113.—La Législature n'engagera pas la foi de l'Etat pour le paiement de bons, billets ou autres contrats ou obligations au profit ou à l'usage de qui que ce soit ni d'aucune corporation ou corps politique quelconque. Mais l'Etat aura le droit d'émettre de nouveaux bons en paiement des obligations ou des engagements qu'il a déjà contractés qu'ils soient échus ou non ; toutefois, les dits nouveaux bons ne pourront pas être émis pour un montant plus considérable ni à un taux d'intérêt plus élevé que les obligations originelles qu'ils seront destinés à remplacer.

M. Benjamin fait la motion de déposer ce substitut sur le bureau.

Sur cette motion l'appel nominal se fait et présente le résultat suivant :

Anderson de St-L., Akenhead, Avery, Andrews, Anderson de Carr., Bradford, Bartlett, Benjamin, Brother, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffell, Edwards d'Orl., Eggleston, Farmer, Gardère, Guion, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King de St-L., Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orl., Martin, Nichols, Olivier de Ste-M., Palfrey, Preaux, Price, Pierson, Richardson de O., Richardson de Ste-M., Risk, Roselius, Roman, Roysden, Robinson, St-Paul, Staës Swazey, Scarborough, Sibley, Tatman, Todd, Williams et Wilcoxon,

Votent dans l'affirmative—65 Et

MM. Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Dalfères, Delony, Dosson, Edwards de Wash., Eustis, Hatch, Hargis, Herron, Hébert, Hough, Hodges, Isaacks, Jourdan, King de J.. LeBlanc, McMillen, Mathews de Pte C., Marrero, Moss, Paxton, Patterson, Pierce, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith d'O. F., Smith de Winn, Simms, Stewart, Talbot, Taliafero, Van Wickle, Villeré, Waddill et Wittington,

Votent dans la négative—48.

Par conséquent la motion prévaut et le substitut est rejeté.

M. Martin propose d'insérer après les mots "association ou corporation," les mots "ou souscrire aux actions."

Cette motion prévaut.

M. Lobdell présente l'amendement suivant, à être inséré après les mots "limites de l'Etat."

Et pour protéger d'inondation les terres marécageuses, sur une garantie fondée sur les terres concédées à cet effet à l'Etat par le gouvernement des Etats-Unis ; et le produit des ventes de ces terres ne pourra être détourné à autre usage.

Sur motion, le susdit amendement est déposé sur le bureau.

Le président annonce alors que la question sur laquelle la Convention avait maintenant à agir était la proposition de M. Hunt, savoir : de biffer les mots "dans les limites de l'Etat."



M. Richardson de Oua., fait la motion de déposer l'amendement sur le bureau.

Sur laquelle motion, l'appel nominal est demandé et présente le résultat suivant :

MM. Anderson de Carroll, Addison, Beale, Beard, Bienvenu, Brother, Bullard, Buisson, Castellanos, Carter, Collens, Cotton, Connely, Conrad, Dalferes, Delony, Declouet, Dosson, Douglass, Dnfour, Dugué, Duffell, Edwards d'Orl., Edwards de Wash., Eustis, Farmer, Gardere, Guion, Hatch, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Isaacks, Key, King de Jackson, Lapeyre, Le Blanc, McMillen, Mathews d'Orl., Mathews de Pte C., Marrero, Moss, Nichols, Palfrey, Paxton, Patterson, Preaux, Phillips, Pugh, Reeves, Richardson de Oua., Rixner, Roselius, Roman, Roysden, Ronquillo, Sandidge, Staës, Shaw, Scarborough, Shelton, Sibley, Simms, Stewart, Tatman, Talbot, Taliafero, Todd, Van Wickle, Villeré et Waddill,

Votent dans l'affirmative—75. Et

MM. Anderson de St-Landry, Akenhead, Avery, Andrews, Bradford, Bartlett, Benjamin, Besançon, Boyer, Byrne, Campbell, Eggleston, Hays, Hunt, Jennings, Jones, King de St-L., Leefe, Leeds, Lobdell, Lyle, McIlhenny, Martin, Olivier de Ste-M., Price, Pierson, Risk, Robinson, St Paul, Smart, Swazey, Smith de Winn, Williams, Wittington et Wilcoxon,

Votent dans la négative—36.

Par conséquent la motion de M. Hunt est rejetée.

M. Eustis présente l'amendement suivant, à être ajouté à la fin de l'article :

Dans lesquels cas toute la propriété de telles associations sera hypothéquée à l'Etat.

M. Jennings fait la motion de déposer l'amendement sur le bureau.

L'appel nominal est demandé et présente ce résultat :

MM. Anderson de St Landrp, Akenhead, Avery, Andrews, Benjamin, Brother, Buisson, Byrne, Castellanos, Collens, Connely, Conrad, Declouet, Dugue, Duffel, Edwards d'Orl., Eggleston, Gardère, Guion, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King de St-L., Lapeyre, Leefe, Lobdell, Lyle, McIlhenny, Mathews d'Orl., Martin, Nichols, Olivier de Ste-M., Palfrey, Preaux, Price, Richardson de Ste-M., Rixner, Risk, Roselius, Roman, Robinson, Staës, Swazey, Tatman, Villeré, Williams et Wilcoxon,

Votent dans l'affirmative—51. Et

MM. Anderson de Carr., Addison, Bradford, Bartlett, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Dosson, Douglass, Dufour, Edwards de Wash., Eustis, Farmer, Hatch, Hargis, Herron, Hébert, Hough, Hodges, Isaacks, Jourdan, King de J., Leeds, LeBlanc, McMillen, Mathews de Pte C., Marrero, Moss, Paxton, Patterson, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson de Oua., Roysden, Ronquillo, Sandidge, St-Paul, Smart, Shaw, Scarborough, Shelton, Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Todd, VanWickle, Waddill et Wittington,

Votent dans la négative—60.

La Convention refuse donc de déposer l'amendement sur le bureau.

M. St-Paul présente le substitut suivant à l'amendement présenté par M. Eustis, à l'article 113 du rapport :

Bien entendu qu'en cas que telle association ou corporation devienne insolvable, le montant souscrit par l'état (après le paiement des obligations justes et le remboursement des prêts faits par l'Etat) aura la préférence dans la distribution de l'actif restant.

M. Lapeyre demande que la question principale soit mise aux voix.

Pendant la considération de cette motion, la Convention s'ajourne à demain matin à 9 heures.

MERCREDI, 28 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 89 délégués répondent à l'appel.

Sur motion, l'absence de MM. Dosson et Guion est excusée.

M. Eggleston, au nom de la minorité du comité nommé à l'effet de répartir l'Etat en districts judiciaires, présente le rapport suivant :

Nous, les soussignés, membres du comité chargé de la répartition de l'Etat par districts pour l'élection des juges de la Cour Suprême, différons du rapport fait par l'hon. rapporteur du dit comité ; les soussignés pensent que la répartition des juges, faite par le comité est injuste envers une portion du peuple de l'Etat, et est contraire aux principes d'une politique saine. Ils ne peuvent donc donner leur concours à la distribution faite dans le dit rapport, et demandent que leurs objections soient insérées dans le journal de la Convention.

(Signé)

H. B. EGGLESTON,

E. A. BRADFORD,

J. W. PRICE,

CH. BIENVENU.

M. Waddill présente l'article additionnel suivant, à être inséré sous le titre de dispositions générales, savoir :

Art.—Aucune somme ne sera allouée par acte spécial, ou résolution, à l'effet de payer aucune réclamation ou compensation, sans le concours d'une majorité des membres élus à chaque Chambre de l'Assemblée Générale.

Sur la motion d'adopter le susdit article, M. Phillips demande l'appel nominal qui présente le résultat suivant :

MM. Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Carter, Dalferes, Delony, Farmer, Hatch, Herron, Hough, Isaacks, Jourdan, King de J., LeBlanc, McMillen, Mathews de Pte C., Moss, Patterson, Phillips, Pugh, Reeves, Richardson de Oua., Ronquillo, Robinson, Smart, Scarborough, Shelton, Smith d'O. F., Smith de



Winn, Sibley, Simms, Stewart, Taliaferro, Todd, Van Wickle, Waddill et Wittington,

Votent dans l'affirmative—40. Et

Et MM. Anderson, de St Landry ; Akenhead, Avery, Andrews, Anderson, de Carroll; Armant, Bartlett, Benjamin, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Collens, Cotton, Connely, Douglass, Dufour, Dugué, Duffel, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Eustis, Gardère, Hayes, Harris, Hargis, Hernandez, Hodges, Jennings, Jones, Key, King, de St Landry ; Lapeyre, Leefe, Leeds, Lobdill, Lyle, McIlhenmy, Mathews, d'Orléans ; Marrero, Martin, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Palfrey, Paxton, Preaux, Price, Pierce, Pierson, Richardson, de Ste Marie ; Rixner, Risk, Roman, Rosélius, Roysden, Sandidge, St Paul, Shaw, Tatman, Villeré et Williams votent dans la négative—66.

La motion est rejetée, et l'article additionnel n'est pas adopté.

M. Benjamin au nom du comité sur le Style, présente le rapport suivant, qui sur motion, est adopté :

Le comité sur le Style a l'honneur de soumettre le résultat de leur révision des Titres I et II de la Constitution, ainsi qu'ils ont été adoptés par la Convention.

Aucun changement n'est nécessaire dans les articles 1, 2, 3, 4 et 5.

Le comité propose le changement suivant dans l'article 6 :

Au lieu du proviso adopté par la Convention, le comité pense substituer : “ Bien entendu, que nul ne sera Représentant ou Sénateur, si à l'époque de son élection il n'est électeur soit du District Représentatif, soit du District Sénatorial qui l'a nommé.”

Les articles 7, 8 et 9 resteront tels qu'ils sont.

L'article 10 doit être amendé comme suit :

“ Aura le droit de voter, tout homme libre et blanc qui a atteint l'âge de vingt-un ans, qui a résidé dans l'Etat durant les douze mois qui ont précédé immédiatement l'élection, et les six derniers dans la paroisse où il se présente pour voter, et qui sera Citoyen des Etats-Unis. L'électeur qui se sera transporté d'une paroisse dans une autre, ne perdra pas le droit qu'il possédait de voter dans la première, avant de l'avoir acquis dans la seconde. Les électeurs ne pourront jamais, sauf en cas de trahison; de crime, ou de violation de l'ordre public, être arrêtés lorsqu'ils assistent à une élection, qu'ils se rendent au lieu où elle est tenue, ou qu'ils en reviennent.”

L'article 11 doit être ainsi conçu :

“ La Législature ordonnera par une loi spéciale que le nom et le domicile de tous les électeurs de la ville de la Nouvelle-Orléans soient enregistrés, afin qu'ils puissent exercer le droit de suffrage ; l'enregistrement ne devra rien coûter à l'électeur.”

Aucun autre changement n'est conseillé jusqu'à l'article 27, lequel doit être amendé en y biffant le mot “\_\_\_\_\_”.

Le reste du Second Titre doit rester tel qu'il est. (Signé) J. P. BENJAMIN, Rapporteur.

## ORDRE DU JOUR.

### AFFAIRES INACHEVEES.

La Convention reprend la considération de l'article 113, rapporté par la majorité du comité sur les Dispositions Générales.

Les questions devant la Convention, lors de son ajournement, hier, étaient : l'amendement de M. Eustis ; le substitut de M. St Paul ; et une demande, par M. Lapeyre, de la question principale ;

Laquelle demande est maintenant retirée par M. Lapeyre.

La première question étant alors sur la proposition de M. St Paul, elle est, sur motion de M. Richardson d'Ouachita, déposée sur le bureau.

L'amendement de M. Eustis étant alors devant la Convention,

M. Phillips présente le sous-amendement suivant, qui est accepté par M. Eustis :

“ Afin d'assurer le montant prêté par l'Etat.”

M. Delony présente le proviso suivant comme sous-amendement à celui de M. Eustis :

“ Bien entendu que toutes les obligations contractées par l'Etat pour des travaux d'améliorations internes seront payées d'abord.”

M. Roman fait la motion de déposer le proviso sur le bureau ;

Laquelle motion prévaut.

M. Richardson d'Ouachita, présente alors le substitut suivant à l'amendement de M. Eustis, qui est accepté par ce dernier, savoir :

“ Bien entendu que dans tous les cas où l'Etat se sera engagé en faveur d'une corporation ou association, l'Etat sera nanti par des hypothèques spéciales sur tous les travaux et matériaux des dites associations ou corporations.”

M. Benjamin présente le substitut suivant, à l'article rapporté par le comité, savoir :

“ L'Etat ne pourra pas souscrire au capital d'une corporation ou d'une compagnie d'actionnaires, ni ne pourra s'engager en faveur d'aucune telle corporation. Mais quand de telles compagnies, créées dans le but de faire des travaux d'améliorations internes, situés en tout ou en partie dans l'Etat, demanderont secours, la Législature aura le pouvoir de venir à leur aide, mais seulement jusqu'à concurrence d'un cinquième du capital de ces compagnies, soit en souscrivant au capital, soit en leur faisant un prêt ou en émettant des bons. Mais quand un pareil secours sera accordé, il ne sera fait de paiements à la compagnie que dans une proportion égale au versement du reste du capital par les actionnaires de la compagnie. Lorsque l'Etat fera un prêt, la Législature devra exiger des garanties suffisantes, de telle manière qu'elle croira convenable.”

M. Harris présente l'amendement suivant, au susdit substitut, savoir :

“ Et cette Convention reconnaît comme œuvres méritant le secours de l'Etat : ‘ Le Grand Chemin de Fer de la Nouvelle-Orléans, de Jackson et du Nord, le chemin de fer de la Nouvelle-Orléans, d'Opelousas et de l'Ouest, et le Chemin de fer projeté de la Rivière Rouge (passant par



les paroisses de l'Etat qui sont contiguës à la frontière de l'Etat d'Arkansas) jusqu'au Mississippi."

M. Bullard présente le sous-amendement suivant à être inséré après les mots "Opelousas et de l'Ouest" les mots suivants :

A travers la vallée de la Rivière Rouge jusqu'à la frontière du Texas, à peu près au 32ème degré de latitude Nord".

M. Hernandez demande la question préalable, Laquelle demande prévaut.

M. Dufour demande la reprise en considération du vote qui vient d'être donné sur la question préalable.

Cette motion prévaut.

Le même délégué fait alors la motion de déposer sur le bureau l'amendement présenté par M. Harris, et le sous-amendement de M. Bullard.

Cette motion est adoptée.

M. Sandidge demande et obtient le privilège de faire enrégistrer son vote contre la motion de M. Dufour, de déposer les susdits amendements sur le bureau.

M. Herron présente l'amendement suivant, au substitut de M. Benjamin, savoir :

"Aucune corporation ou association, créée pour exécuter des travaux d'améliorations internes et à laquelle l'Etat aura prêté son secours, ne possèdera le pouvoir de faire des opérations de banque".

M. Avery fait la motion de déposer l'amendement sur le bureau.

Et sur l'appel nominal il paraît que

MM. Anderson, de St Landry ; Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Campbell, Declouet, Dugué, Duffell, Edwards, d'Orléans ; Eggleston, Gardère, Hayes, Hernandez, Hodges, Hunt, Jennings, Lapeyre, Leefe, Leeds, Lyle, McIlhenny, Mathews, d'Orléans ; Martin, Monge, Nicholls, Olivier, de St Martin ; Price, Pierson, Richardson, de Ste Marie ; Rixner, Risk, Roman, Staës, Swazey, Tatman et Williams votent dans l'affirmative—46.

MM. Anderson, de Carroll ; Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Carter, Collins, Cotton, Conrad, Dalferes, Delony, Douglass, Dufour, Edwards, de Washington ; Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hébert, Hough, Isaacks, Jourdan, Jones, Key, King, de St Landry ; King, de Jackson ; Le Blanc, Lobdill, McMillen, Mathews, de Pointe-Coupée ; Marrero, Moss, Olivier, de St Martin ; Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Phillips, Pugh, Reeves, Rosélius, Roysden, Ronquillo, Robinson, Sandidge, St Paul, Smart, Shaw, Scarborough, Shelton, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Sibley, Simms, Stewart, Talbot, Taliafero, Todd, Van Wickle, Villeré, Waddill, Wittington et Wilcoxon votent dans la négative—69.

Par conséquent la motion de déposer sur le bureau est rejetée, et sur une seconde motion, l'amendement de M. Herron est adopté.

M. Palfrey fait la motion de biffer du substitut les mots "ou en partie".

M. Simms fait la motion de déposer le substitut et les amendements sur le bureau ;

Laquelle est rejetée.

M. Dufour propose alors de déposer l'amendement de M. Palfrey sur le bureau :

Cette motion prévaut.

M. Herron présente l'amendement suivant, au substitut de M. Benjamin.

Lorsque cette Constitution sera soumise au peuple, cet article sera soumis séparément de manière à ce que le peuple puisse voter sur cet article à part : si une majorité des électeurs de l'Etat (d'après le recensement de 1847) votent en faveur du dit article, il deviendra partie de la Constitution ; sinon l'article 113 de la Constitution de 1845 y sera substitué."

M. King de St Landry, propose de déposer l'amendement sur le bureau.

L'appel nominal est demandé, et présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffell, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Gardère, Hayes, Harris, Hernandez, Hunt, Jennings, Jones, Key, King, de St Landry ; Lapeyre, Leefe, Leeds, Lobdill, Lyle, McIlhenny, Mathews, d'Orléans ; Marrero, Martin, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Parham, Palfrey, Paxton, Preaux, Price, Pierson, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Rixner, Risk, Rosélius, Roman, Roysden, Robinson, St Paul, Staës, Smart, Swazey, Scarborough, Tatman, Todd, Villeré, Williams et Wilcoxon votent dans l'affirmative—72.

MM. Anderson, de Carroll ; Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Carter, Cotton, Dalferes, Delony, Eustis, Farmer, Hatch, Hargis, Herron, Hébert, Hodges, Isaacks, Jourdan, Le Blanc, McMillen, Mathews, de Pointe-Coupée ; Moss, Pierce, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Shaw, Shelton, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Waddill et Wittington votent dans la négative—42.

Par conséquent la motion de M. King de St Landry prévaut, et l'amendement est en conséquence déposé sur le bureau.

M. King de St Landry demande la question principale ;

Cette demande prévaut.

La question première étant sur l'adoption du proviso présenté d'abord par M. Richardson d'Ouachita, à l'article du rapport, et accepté par M. Eustis, ce dernier retire sa proposition et la présente de nouveau comme proviso au substitut de M. Benjamin.

Sur l'adoption du dit proviso, l'appel nominal est demandé, et présente le résultat suivant :

MM. Anderson, de Carroll ; Addison Besan-



çon, Beale, Beard, Bienvenu, Boyer, Carter, Cotton, Dalferes, Delony, Eustis, Farmer, Hatch, Hargis, Herron, Hébert, Hough, Hodges, Isaacks, Jourdan, King, de Jackson ; Le Blanc, McMillen, Mathews, Marrero, Mather, Moss, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson, d'Ouachita ; Ronquillo, Sandidge, Shaw, Shelton, Smith, d'Ouest Féliciana ; Smith, de Winn ; Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Villeré, Waddill et Wittington votent dans l'affirmative—49.

Et MM. Anderson, de St Landry ; Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Gardère, Hayes, Harris, Hernandez, Hunt, Jennings, Jones, Key, King, de St Landry ; Leefe, Leeds, Lobdill, Lyle, McIlhenny, Mathews, d'Or. ; Martin, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Parham, Palfrey, Paxton, Preaux, Price, Pierson, Richardson, de Ste Marie ; Rixner, Risk, Rosélius, Roman, Roysden, Robinson, St Paul, Staës, Smart, Swazey, Scarborough, Tatman, Todd, Williams et Wilcoxon votent dans la négative—69,

Par conséquent, le proviso est rejeté.

M. Preaux présente par écrit les motifs qui l'ont engagé à voter contre l'adoption du susdit proviso, savoir :

“Je vote NON, parce que je crois que l'article 114, ainsi qu'il est rapporté par le comité des Dispositions Générales, sera adopté par cette Convention.” (Signé) R. PREAUX.

La question étant alors sur l'adoption du substitut présenté par M. Benjamin, amendé par M. Herron, l'appel nominal est fait, et présente le résultat suivant :

MM. Anderson, de St Landry ; Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Campbell, Collens, Cotton, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards, d'Orléans ; Edwards, de Washington ; Eggleston, Gardère, Hayes, Hernandez, Hunt, Jennings, Jones, Key, King, de St Landry ; King, de Jackson ; Lapeyre, Leefe, Leeds, Lobdill, Lyle, McIlhenny, Mathews, d'Orléans ; Martin, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Parham, Paxton, Preaux, Price, Pierson, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Rixner, Risk, Rosélius, Roysden, Robinson, St Paul, Staës, Smart, Swazey, Scarborough, Tatman, Todd, Villeré et Williams votent dans l'affirmative—69,

Et MM. Anderson, de Carroll ; Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Carter, Dalferes, Delony, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hébert, Hough, Hodges, Isaacks, Jourdan, Le Blanc, McMillen, Mathews, de Pointe-Coupé ; Marrero, Palfrey, Patterson, Pierce, Phillips, Pugh, Reeves, Roman, Ronquillo, Sandidge, Shaw, Shelton, Smith,

d'Ouest-Féliciana ; Smith, de Winn ; Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Waddill et Wittington votent dans la négative—46.

Par conséquent le substitut est adopté ainsi qu'il est amendé.

M. Jourdan présente ses motifs pour avoir voté contre l'adoption du susdit substitut, et demande qu'ils soient insérés sur le journal, savoir :

“Je vote NON : 1o parce que cette Convention a exprimé par son vote une opinion défavorable au mode proposé d'assurer le paiement des dettes contractées par l'Etat, avant de venir au secours d'autres travaux.—2o Parce qu'il n'y a aucune garantie que les bons et les prêts faits par l'Etat, ne seront appliqués (ainsi que les actions de la corporation ainsi aidée,) aux opérations de banque ; et de cette manière l'Etat deviendrait involontairement au secours des banques.—3o Parce que je crois qu'à moins que l'Etat ne soit garanti par hypothèque ou autrement en vertu d'un proviso dans la Constitution, il y a tout à craindre (à juger par le passé) qu'un sentiment de spéculation ne soit engendré, basé sur la responsabilité de l'Etat, qui résulterait en de grands maux pour le peuple de l'Etat.—4o Parce qu'un sentiment sain d'entreprise et et d'améliorations internes ne peut être assuré que par des restrictions sur la Législature, et une protection étendue sur le peuple contre les abus d'un Pouvoir Représentatif restreint à quelques localités.

(Signé) AUG. W. JOURDAN, de Jefferson.

La Convention passe alors à l'article 114, rapporté par la majorité du comité sur les Dispositions Générales, savoir :

“L'Etat ne contractera point d'engagement comme ci dessus mentionné, s'il n'y est autorisé par une loi, et si ce n'est pour une entreprise ou un but unique, clairement déterminé dans la loi. Cette loi n'aura effet que jusqu'à ce qu'elle aura été soumise au peuple, à une élection générale, et qu'elle aura reçu le concours d'une majorité des votes déposés pour ou contre son adoption, à la dite élection. Le chiffre total de la dette et des engagements que l'Etat pourra contracter dans l'avenir, en vertu de cet article et de celui qui précède, n'excèdera à aucune époque la somme de huit millions de piastres.”

M. St Paul propose de biffer les mots “une majorité” et d'insérer les mots “deux-tiers”.

Cette motion est rejetée.

M. Martin propose comme sous-amendement d'effacer tout ce qui suit les mots “déterminés dans la loi”, jusqu'au mot “élection”.

M. Phillips présente comme substitut au susdit article, celui rapporté par M. Eustis au nom de la minorité du comité sur les Dispositions Générales, savoir :

Art. 114—“Le chiffre total des dettes contractées dorénavant par la Législature, n'excèdera jamais la somme de cent mille piastres, sauf dans les cas de guerre, d'invasions ou d'insurrections, à moins qu'il n'y soit autrement pourvu par la loi, pour un but clairement déter-



miné dans la dite loi. Cette loi devra pourvoir aux moyens de décharger, en prélevant des taxes, l'intérêt courant de la dette contractée, et de payer en plein le capital emprunté; la dite loi n'aura effet qu'après qu'elle sera votée par une majorité des membres élus à chaque Chambre de l'Assemblée Générale, et qu'elle sera approuvée par une majorité des électeurs de l'Etat à l'élection prochaine; et cette loi ne pourra être abrogée, jusqu'à ce que le principal et l'intérêt soient payés en plein.

M. Roman fait la motion de déposer le substitut sur le bureau.

Sur cette motion, M. Phillips demande l'appel nominal, qui présente le résultat suivant :

MM. Anderson, de St Landry; Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Brother, Boudousquié, Buisson, Byrne, Castellanos, Campbell, Collens; Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards, d'Orléans; Edwards, de Washington; Eggleston, Farmer, Gardère, Hayes, Harris, Hernandez, Hunt, Jennings, Jones, Key, King, de St Landry; King, de Jackson; Lapeyre, Leefe, Leeds, Lobdill, Lyle, McIlhenny, Mathews, d'Orléans; Martin, Monge, Nicholls, Olivier, de St Martin; Olivier, de Ste Marie; Palfrey, Paxton, Preaux, Price, Pierson, Richardson, d'Ouachita; Richardson, de Ste Marie; Rixner, Risk, Rosélius, Roman, Roysden; Robinson, St Paul, Staës, Swazey, Scarborough, Sibley, Tatman, Todd et Williams votent dans l'affirmative—68.

Et MM. Addison, Beale, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Eustis, Hatch, Hargis, Herron, Hough, Hodges, Isaacks, Le Blanc, Mathews, de Pointe Coupée; Marrero, Moss, Parham, Patterson, Pierce, Phillips, Pugh, Reeves, Ronquillo, Sandidge, Smart, Shelton, Smith, de Winn; Simms, Stewart, Talbot, Taliafero, Van Wickle, Villeré et Wittington votent dans la négative—38.

Par conséquent la motion prévaut, et le substitut présenté par M. Phillips, est déposé sur le bureau.

La question étant maintenant sur l'adoption de la proposition de M. Martin,

M. Roman propose de la déposer sur le bureau, l'appel nominal est demandé, et donne le le résultat suivant :

Messrs. Armant, Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Douglass, Dugué, Edwards de Washington, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks, Jourdan, Jones, King de Jackson, Le Blanc, Lobdell, Mathews de Pte Coupée, Moss, Olivier de St. Martin, Olivier de Ste Marie, Parham, Palfrey, Patterson, Preaux, Pierce, Phillips, Pugh, Reeves, Richardson de Oua., Richardson de Ste Marie, Rixner, Roman, Ronquillo, Robinson, Sandidge, St Paul, Smart, Scarborough, Shelton, Smith d O.-F. Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Todd, Van Wickle, Villeré, Waddill et Wittington votent dans l'affirmative—68.

Et Messrs Anderson de St. Landry, Akenhead, Avery, Andrews, Bradford, Benjamin, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Dufour, Duffel, Edwards d'Orléans, Eggleston, Gardère, Hays, Hernandez, Hunt, Jennings, Key, King de St. Landry, Lapeyre, Leefe, Leeds, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mongé, Nichols, Paxton, Price, Pierson, Risk, Roselius, Roysden, Staës, Swazey, Tatman et Williams votent dans la négative—45.

Par conséquent la motion prévaut et l'amendement présenté par M. Martin est déposé sur le bureau.

M. Price propose de biffer les mots suivants dans l'article original rapporté par la majorité du Comité, savoir : "pour ou contre." Cette motion prévaut et ces mots sont effacés.

M. Herron fait la motion d'effacer dans le susdit article tout ce qui suit les mots "au peuple" jusqu'au mot "élection" et d'insérer les mots suivants :

Et qu'elle aura reçu le concours d'une majorité des votes de tous les électeurs qualifiés de l'Etat, reconnus tels par le dernier recensement, à l'époque de l'élection mentionnée ci-dessus.

Sur motion de M. Dufour, le susdit amendement est rejeté.

M. Delony propose d'effacer dans l'article le mot "huit" et d'insérer le mot "cinq". Cette motion est rejetée.

M. Hargis propose d'effacer le mot "huit." Cette motion est aussi rejetée.

M Benjamin présente alors le substitut suivant :

Art. 114.—Aucun engagement ne sera contracté par l'Etat, ainsi qu'il est déterminé ci-dessus, à moins qu'il n'y soit autorisé par la loi et si ce n'est pour une entreprise ou un but unique clairement déterminé dans la loi. Cette loi n'aura d'effet à moins qu'elle n'ait reçu le concours d'une majorité des membres élus aux deux Chambres de l'Assemblée Générale. Le chiffre total de la dette ou des engagements que l'Etat pourra contracter dans l'avenir en vertu de cet article et de celui qui précède, n'excèdera à aucune époque la somme de huit millions de piastres.

M. Herron propose de biffer dans le dit substitut les mots "une majorité" et d'insérer les mots "deux tiers."

M. Connely fait la motion de déposer la dite proposition sur le bureau. Et sur l'appel nominal il paraît que :

MM. Anderson de St-L., Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Brother, Boudousquié, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Delony, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards d'Orl., Eggleston, Gardère, Hays, Harris, Hernandez, Hunt, Jennings, Jones, Key, King de St-L., Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orl., Martin, Mongé, Nichols, Olivier de Ste-M., Parham, Paxton, Preaux, Price, Pierson, Richardson de Ste-M., Rixner, Risk, Roselius, Roman, Roysden, Robin-



son, St-Paul, Staës, Swazey. Scarborough, Tatman, Todd, Villeré et Williams,

Votent dans l'affirmative—64. Et

MM. Anderson de C., Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Edwards de W., Eustis, Farmer, Hatch, Hargis, Herron, Hébert, Hough, Hodges, Isaacks, Jourdan. King de J., LeBlanc, McMillen, Mathews de Pte C., Moss, Olivier de St-M., Palfrey, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson de Ouach., Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith d'O. F., Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Waddill et Wittington,

Votent dans la négative—51.

Par conséquent la motion prévaut et la proposition de M. Herron est déposée sur le bureau.

M. Preaux présente ses raisons pour avoir voté contre la mesure de M. Herron, en ces termes :

Je suis opposé en principe à donner à la Législature le droit de s'engager, à moins que ce ne soit pour des travaux publics et avec le concours du peuple ; ou à moins que l'Etat ne soit nanti et qu'une majorité des membres élus à l'Assemblée Générale y donne son concours ; l'amendement proposé par M. Benjamin contient ces conditions, et je suis prêt à voter en sa faveur, et je suis par conséquent forcé de voter contre l'amendement de M. Herron.

(Signé)

ROB. PREAUX.

M. Avery demande que la question principale soit mise aux voix. Cette motion prévaut.

La question étant alors sur l'adoption du substitut présenté par M. Benjamin, M. Beard demande l'appel nominal qui donne le résultat suivant :

MM. Anderson de St-L., Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Brother, Boudousquié, Buisson, Byrne, Castellanos, Campbell, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards d'O., Eggleston, Gardère, Hays, Hernandez, Hunt, Jennings, Key, King de St-L., Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'O., Martin, Mongé, Nichols, Olivier de Ste-M., Paxton, Preaux, Price, Pierson, Richardson de Ste-M., Rixner, Risk, Roselius, Roysden, Robinson, St-Paul, Staës, Swazey, Tatman, Todd et Williams,

Votent dans l'affirmative—57. Et

MM. Anderson de C., Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Edwards de W. Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hébert, Hough, Hodges, Isaacks, Jourdan, Jones, King de Jackson, LeBlanc, McMillen, Mathews de Pte-C., Moss, Olivier de St-M., Parham, Palfrey, Patterson, Pierce, Phillips, Pugh, Reeves, Richardson de Oua., Roman, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith d'O. F., Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Waddill et Wittington,

Votent dans la négative—56.

57 délégués ayant voté dans l'affirmative et

56 dans la négative, le président vote non, et déclare que la motion est rejetée. Le substitut de M. Benjamin est par conséquent déposé sur le bureau.

M. Connely, ayant voté avec la majorité sur la demande de la question préalable, en demande la reconsidération.

Pendant ce, M. Benjamin fait la motion d'ajourner.

Le président ayant déclaré que la motion de M. Benjamin n'était pas à l'ordre, M. Benjamin en appelle à la Convention sur la décision du président.

Le président.—L'appel sera-t-il soutenu ?

La Convention ayant décidé négativement, la décision du président est soutenue.

La question étant alors : l'adoption de l'article 114, rapporté par le comité des dispositions générales, l'appel nominal est demandé et présente le résultat suivant :

MM. Avery, Armant, Addison, Bradford, Bartlett, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Buisson, Byrne, Carter, Cotton, Connely, Dalferes, Delony, Dufour, Dugué, Edwards de Wash., Eggleston, Eustis, Farmer, Gardère, Hatch, Harris, Hargis, Herron, Hébert, Hough, Hodges, Issacks, Jourdan, Jones, King de St-L., King de J., LeBlanc, Lobdell, McMillen, Mathews de Pte C., Moss, Olivier de St-M., Olivier de Ste-M., Parham, Palfrey, Paxton, Patterson, Preaux, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson de Oua., Roman, Ronquillo, Sandidge, Staës, Smart, Shaw, Scarborough, Shelton, Smith d'O. F., Smith de Winn, Sibley, Simms, Stewart, Tatman, Talbot, Taliafero, Todd, Van Wickle, Villeré, Waddill, Williams et Wittington,

Votent dans l'affirmative—77. Et

MM. Anderson de St-L., Akenhead, Andrews, Anderson de Carr., Benjamin, Brother, Boudousquié, Castellanos, Campbell, Collens, Conrad, Declouet, Douglass, Duffel, Edwards d'Orl., Hays, Hernandez, Hunt, Jennings, Key, Lapeyre, Leefe, Leeds, Lyle, McIlhenny, Mathews d'O. Martin, Mongé, Nichols, Price, Richardson de Ste-M., Rixner, Risk, Roselius, Roysden, Robinson, St-Paul et Swazey,

Votent dans la négative—38.

L'article 114, rapporté par la majorité du comité, est par conséquent adopté ainsi qu'il a été amendé.

Sur motion, la Convention s'ajourne à demain, 9 heures A. M.

JEUDI, 29 juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. Woodbrige ouvre la séance par une prière.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 82 délégués sont présents.



Le président soumet à la Convention une communication des dames de l'Eglise protestante, demandant que l'usage de la rotonde leur soit accordé pour y tenir une foire le 2 du mois d'août.

M. Benjamin, au nom du comité de Style, présente le rapport suivant :

Le comité de Style a l'honneur de rapporter qu'il n'a aucun changement à recommander dans le Titre III "Pouvoir Exécutif."

Le Titre IV "Pouvoir Judiciaire" doit être changé seulement dans l'article 68, comme suit :

Art. 68.—Toute vacance qui surviendra dans la Cour Suprême, par suite de démission ou autrement, sera remplie par une élection pour la période inachevée. Cependant, si cette période ne dépasse pas une année, le droit de nomination appartiendra au Gouverneur.

Dans le Titre V "Impeachment", le comité ne recommande aucun changement.

(Signé) J. P. BENJAMIN,  
Rapporteur.

Sur motion, le rapport est adopté.

M. Phillips présente l'article additionnel suivant :

Art. — Lorsque la Législature contractera une dette qui excèdera la somme de cent mille piastres, sauf les cas de guerre, d'invasion ou d'insurrection, elle pourvoiera, dans la loi créant la dette, aux moyens d'en payer l'intérêt et le capital lorsqu'il sera dû.

Et cette loi ne pourra être abrogée jusqu'à ce que le principal et l'intérêt soient payés.

Sur motion de M. Connely, le susdit article est déposé, provisoirement, sur le bureau.

M. Roman présente la résolution suivante :

"Résolu que la Convention siégera désormais l'après-midi depuis cinq heures P. M. — et que, lorsque la Convention ajournera ce matin, elle ajournera à ce soir cinq heures.

M. Sandidge propose de biffer les mots "cinq heures" et d'insérer "six heures."

M. Connely fait la motion de déposer la résolution et l'amendement sur le bureau.

Et sur l'appel nominal il paraît que :

MM. Akenhead, Avery, Andrews, Anderson de Carroll, Armant, Bradford, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Carter, Collens, Cotton, Conrad, Delony, Declouet, Dufour, Dugué, Edwards d'Orléans, Edwards de W., Eggleston, Eustis, Farmer, Gardère, Harris, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Key, King, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Mathews de la Pointe-Coupée, Marrero, Martin, Mather, Mongé, Nicholls, Olivier, Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Phillips, Pugh, Reeves, Richardson de O., Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Robinson, Sandidge, Smart, Swazey, Shelton, Smith de O. Féliciana, Smith de Winn, Sinms, Stewart, Taliafero, Todd, VanWickle, Villeré, Williams et Wilcoxon — 83, votent dans la négative, et

MM. Addison, Castellanos, Connely, Hatch,

Hayes, Hargis, Herron, Hernandez, McMillen, Ronquillo, Staës, Shaw, Scarborough, Tatman, Talbot, Waddill et Wittington—18, votent dans l'affirmative:

Par conséquent la motion est rejetée.

M. Roman fait la motion alors, de déposer l'amendement de M. Sandidge sur le bureau.

Cette motion prévaut.

Et sur une seconde motion, la résolution est adoptée sans amendement.

M. Palfrey présente ses raisons pour avoir voté hier contre le substitut à l'article 114, présenté par M. Benjamin — et demande que les raisons soient insérées sur le journal, savoir :

"J'ai voté hier contre le substitut de M. Benjamin pour la raison que, comme l'article qui précède l'art. 114, et adopté par la Convention, donne à l'Etat l'autorité de s'engager pour venir en aide à des travaux d'améliorations internes en deçà des limites de l'Etat, je suis d'opinion qu'une restriction, exigeant le consentement du peuple, est essentiellement nécessaire pour empêcher un abus de cette autorité.

(Signé) W. P. PALFREY,

M. Pierson ayant voté hier avec la majorité contre l'adoption de l'article présenté par M. Waddill, sous le titre de Dispositions Générales, en demande la reprise en considération ; la demande est rejetée.

M. Shaw présente la résolution suivante :

Résolu que dix mille exemplaires de la Constitution seront imprimés en anglais et cinq mille en français, pour être distribués dans les différentes paroisses de l'Etat.

M. Staës propose de biffer le mot "cinq" et d'insérer le mot "dix."

Cette motion est rejetée.

Et sur motion, la résolution est adoptée sans amendement.

Sur motion de M. Phillips, la Convention passe à l'article présenté par lui ce matin et qui avait été déposé provisoirement sur le bureau.

L'article étant lu, M. Phillips demande son adoption.

Sur cette motion, l'appel nominal est demandé et présente le résultat suivant :

MM. Akenhead, Avery, Andrews, Anderson de Carroll, Addison, Bradford, Bartlett, Benjamin, Besançon, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Carter, Cotton, Connely, Conrad, Delony, Declouet, Douglass, Dufour, Dugué, Edwards d'Orléans, Edwards de W., Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Key, King de Jackson, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews d'O., Mathews de Pte-Coupée, Marrero, Martin, Mather, Moss, Mongé, Nicholls, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Paxton, Patterson, Preaux, Price, Pearce, Pierson, Phillips, Pugh, Reeves, Richardson de Ouach., Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, Staës, Smart, Swazey, Shaw, Scarborough, Shelton,



Smith d'O. Féliciana, Smith de Winn, Sibley, Simms, Tatman, Talbot, Taliafero, Todd, Villéré, Waddill, Williams, Wittington et Wilcoxon—103, votent dans l'affirmative.

Et MM. Armant, Castellanos, Collens, Jones et Sibley—5, votent dans la négative.

Par conséquent, la motion prévaut et l'article est adopté.

M. McMullen présente la résolution suivante qui est, sur motion, déposée sur le bureau :

Résolu que lorsque le recensement de cet Etat sera fait, il sera du devoir des personnes nommés à cet effet, d'exclure les étrangers et toutes personnes qui ne résident pas d'une manière permanente dans l'Etat.

Sur motion de M. King de St-Landry, la Convention passe au rapport de la majorité du comité spécial nommé pour répartir l'Etat en Districts Judiciaires.

Le rapport étant lu, M. Phillips présente le substitut suivant, savoir :

#### PREMIER DISTRICT.

Cette portion de la paroisse d'Orléans située sur la rive gauche du fleuve — Lafayette exceptée.

#### 2E DISTRICT.

Jefferson—y compris Lafayette ; cette portion de la paroisse d'Orléans située sur la rive droite du fleuve, St-Jean-Baptiste, St-Charles, St-Jacques, Ascension, Est-Bâton-Rouge, Est-Féliciana, Ouest-Féliciana, Livingston, Ste-Hélène, St-Tammany, Washington, St-Bernard, Plaquemines.

#### 3E DISTRICT.

Assomption, Ouest-Bâton-Rouge, Iberville, Pointe-Coupée, Lafourche, Terrebonne, Avoyelles, Calcasieu, Lafayette, Sabines, St-Landry, St-Martin, Ste-Marie, Vermillion.

#### 4E DISTRICT.

Madison, Ouachita, Union, Tensas, Rapides, Natchitoches, Morehouse, Jackson, Winn, Franklin, De Soto, Concordia, Claiborne, Catahoula, Carroll, Caldwell, Caddo, Bossier, Bienville.

M. Bradford fait la motion de déposer le substitut sur le bureau, laquelle motion prévaut.

M. Bradford présente alors le substitut suivant au rapport du comité spécial, savoir :

#### PREMIER DISTRICT.

Plaquemines, St-Bernard, cette portion de la paroisse d'Orléans située sur la rive droite du Mississippi et cette portion de la ville de la Nouvelle-Orléans située en-delà de la ligne partant du Mississippi, par le milieu de la rue Julie, jusqu'au canal de la Nouvelle-Orléans et de là jusqu'au lac.

#### 2E DISTRICT.

Cette portion de la ville de la Nouvelle-Orléans, située en-deçà de la ligne s'étendant par le milieu de la rue Julie jusqu'au canal de la Nouvelle-Orléans et de là jusqu'au lac ; — et les paroisses de Jefferson, St-Jean-Baptiste, Saint-Charles, Saint-Jacques, Ascension, Assomption, Lafourche, Terrebonne, Ouest-Bâton-Rouge, et Iberville.

#### 3E DISTRICT.

St-Tammany, Washington, Livingston, Ste-Hélène, Est-Bâton-Rouge, Est-Féliciana, Ouest-Féliciana, Pte-Coupée, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, Ste-Marie, Saint-Martin et St-Landry.

#### 4E DISTRICT.

Calcasieu, Rapides, Sabines, Natchitoches, De Soto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouchita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll et Winn.

Sur motion, le susdit substitut est adopté sans amendement.

M. Williams ayant voté hier avec la majorité sur l'adoption de l'article 114, rapporté par la majorité du comité des Dispositions Générales, en demande la reprise en considération.

Sur cette motion, M. Waddill demande l'appel nominal, qui donne le résultat suivant :

MM. Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquié, Buisson, Castellanos, Collens, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardère, Guion, Hayes, Hernandez, Hunt, Jennings, Jones, Key, King de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mather, Mongé, Nicholls, Olivier de Ste-Marie, Paxton, Preaux, Price, Pearson, Richardson de Ouachita, Richardson de St-Martin, Rixner, Risk, Roselius, Roysden, Staës, Swazey, Scarborough, Stewart, Tatman, Todd, Williams et Wilcoxon—61, votent dans l'affirmative.

Et MM. Anderson de Carroll, Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Carter, Cotton, Dalferes, Delony, Edwards de Washington, Eustis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Holges, Isaack, Jourdan, King de Jackson, McMullen, Mathews de Pte Coupée, Moss, Olivier de Ste Marie, Palfrey, Pearce, Pugh, Reeves, Roman, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith d'O. Féliciana, Smith de Winn, Simms, Talbot, Taliafero, Villéré, Waddill et Wittington votent dans la négative—46.

Par conséquent la motion prévaut et la reconsideration est accordée.

M. Williams présente alors le substitut suivant au dit article :

Art. 114.—L'Etat ne contractera pas d'engagement comme ci-dessus mentionné à moins qu'il n'y soit autorisé par une loi, pour un but unique qui sera déterminé par cette loi. Cette loi sera votée par une majorité des membres élus aux deux chambres de l'Assemblée Générale ; et le chiffre total des dettes ou des engagements contractés en vertu de cet article et de l'article précédant, n'excèdera jamais la somme de huit millions de piastres."

Mr. Richardson de Oua. propose d'insérer après les mots "trois cinquièmes," les mots "des membres élus."

Cette motion est rejetée.

Mr. Hatch obtient le privilège de faire enrég-



gistrer son vote en faveur de la proposition de M. Richardson de Oua.

M. Hargis présente le "proviso" suivant à être inséré à la fin du substitut :

"Bien entendu, que deux millions de piastres seront réservées pour le chemin de fer projeté, qui doit partir du fleuve Mississippi jusqu'à Shreveport."

Sur motion le "proviso" est déposé sur le bureau.

M. Sandidge présente l'amendement suivant à être inséré après les mots "Assemblée Générale" : "et sera soumise au peuple à une élection générale pour recevoir l'approbation d'une majorité des votes déposés à la dite élection."

M. Nicholls fait la motion de déposer l'amendement sur le bureau.

L'appel nominal est demandé et présente le résultat suivant :

Messrs. Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Brother, Boudousquié, Buisson, Castellanos, Collens Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardère, Guion, Hays, Hernandez, Hunt, Jennings, Jones, Key, King de St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mather, Mongé, Nichols, Olivier de Ste Marie, Paxton, Preaux, Price, Pierson, Richardson de Oua., Richardson de Ste Marie, Rixner, Risk, Roselius, Roysden, Staës, Swazey, Scarborough, Tatman, Todd, Williams et Wilcoxon votent dans l'affirmative—60.

Et Messrs. Anderson de Carroll, Addison, Bartlett, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Dalferes, Delony, Edwards de Washington, Eusis, Farmer, Hatch, Harris, Hargis, Herron, Hebert, Hough, Hodges, Isaacks Jourdan, King de Jackson, Le Blanc, McMillen, Mathews de Pte Coupée, Moss, Palfrey, Patterson, Pearce, Phillips, Pugh, Reeves, Roman, Ronquillo, Sandidge, Smart, Shaw, Shelton, Smith d'Ouest Féliciana, Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Villeré, Waddill et Wittington votent dans la négative—53.

Par conséquent la motion prévaut et l'amendement est déposé sur le bureau.

M. Scarborough ayant voté avec la majorité sur l'adoption du sus-dit substitut, en demande la reprise en considération.

Sur cette motion M. Waddill demande l'appel nominal, qui présente le résultat suivant :

Messrs. Anderson de Carroll, Addison, Besançon, Beale, Beard, Bienvenu, Boyer, Carter, Dalferes, Delony, Edwards de Washington, Eustis, Farmer, Hatch, Herron, Hebert, Hough, Hodges, Isaacks, King de Jackson, Le Blanc, Mathews de Pte Coupée, Marrero, Moss, Patterson, Phillips, Pugh, Reeves, Richardson de Ouachita, Ronquillo, Smart, Scarborough, Shelton, Smith de Ouest Féliciana, Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Villeré, Waddill et Wittington votent dans l'affirmative—44.

Et Messrs. Akenhead, Avery, Andrews, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquié, Bullard, Buisson, Castellanos, Collens, Cotton, Connely, Conrad, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardère, Guion, Hays, Harris, Hargis, Hernandez, Hunt, Jennings, Jourdan, Jones, Key, King de St. Landry, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, McMillen, Mathews d'Orléans, Martin, Mather, Mongé, Nichols, Olivier de Ste Marie, Palfrey, Paxton, Preaux, Price, Pearce, Pierson, Richardson de Ste Marie, Rixner, Risk, Roselius, Roman, Roysden, Staës, Swazey, Tatman, Todd, Williams et Wilcoxon votent dans la négative—67.

Par conséquent la motion est rejetée et la reconsideration est refusée.

Les membres suivants présentent leurs raisons pour avoir voté pour ou contre la motion d'adopter le substitut présenté par M. Williams à l'article 114 du Rapport de majorité du Comité sur les Dispositions Générales.

"Je vote négativement, pensant qu'il n'est pas convenable d'autoriser la Législature à passer aucune loi de la nature de celle qui est en question, à moins qu'elle n'ait été d'abord soumise au peuple.

(Signé)

A. J. ISAACKS."

"Je vote contre le substitut, parceque je préfère l'article 114 rapporté par le Comité"

(Signé)

JOHN R. SMART.

"Je vote *non*, étant d'opinion que la majorité du peuple de la Louisiane est décidément opposé à accorder à la Législature, dans aucune circonstance, le pouvoir d'engager l'Etat en faveur de toute association ou corporation; et parceque je crois que le peuple serait en faveur d'accorder (par un vote distinct) que l'Etat vienne en aide aux travaux nécessaires et d'une utilité publique. Connaissant le désir de mes constituants, il est de mon devoir d'y obéir.

[Signé]

JAMES G. TALIAFERO.

Je vote *non* pour les mêmes raisons données par M. Taliafero, sur l'adoption du substitut présenté par M. Benjamin, donnant à la Législature le pouvoir d'engager l'Etat, sans le consentement du peuple.

(Signé)

WADE H. HOUGH.

L'article 121 de la Constitution ayant été référé au Comité des Dispositions Générales, et le dit Comité dans son rapport de la majorité qui est maintenant en considération, ayant conseillé de l'effacer,

M. Conrad y propose le substitut suivant :

Art. 121.—L'Etat ne pourra souscrire aux actions d'aucune association ou corporation, créée ou instituée dans le but de faire des opérations de banque, ni ne pourra s'engager en faveur de telle compagnie."

M. Dufour fait la motion de rejeter l'article 121 de la Constitution et de déposer sur le bureau le substitut de M. Conrad.

Sur cette motion M. Conrad demande l'appel nominal qui présente le résultat suivant :



Messrs. Akenhead, Avery, Andrews, Armant, Bernard, Brother, Boudousquié, Buisson, Castellanos, Collens, Declouet, Dufour, Dugué, Duffel, Edwards d'Orl., Eggleston, Gardère, Hernandez. Hunt, Key, Lapeyre, Leefe, Leeds, McIlhenny, Mathews d'Orléans, Marrero, Martin, Mongé, Nichols, Olivier de Ste Marie, Preaux, Price, Richardson de Ste Marie, Rixner, Risk, Roman St. Paul, Staës, Swazey, Tatman, Villeré et Williams votent dans l'affirmative—42.

Et Messrs. Addison, Bradford, Bartlett, Benjamin, Besançon, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Conrad, Dalferes, Delony, Douglass, Edwards de Washington, Farmer, Hatch, Hays, Harris, Hargis, Herron, Hebert, Hodges, Isaacks, Jourdan, Jones, King de St. Landry, King de Jackson, Le Blanc, Lobdell, Lyle, McMillen, Mathews de P. C., Moss, Palfrey, Paxton, Patterson, Pearce, Pierson, Phillips, Pugh, Reeves, Roselius, Roysden, Ronquillo, Sandidge, Smart, Shaw, Scarborough, Shelton, Smith d'O. Féliciana, Smith de Winn, Sibley, Simms, Stewart, Talbot, Taliafero, Van Wickle, Waddill et Wittington votent dans la négative—62.

Par conséquent la motion de M. Dufour est rejetée.

Et sur motion de M. Conrad le substitut présenté par lui est adopté.

L'article 122, rapporté par la majorité du Comité des Dispositions Générales est alors lu en ces termes :

Art. 122 — Les corporations possédant le privilège de faire des opérations de banque ou d'escompte peuvent être créées, soit par des lois spéciales, soit en vertu des lois générales. La Législature devra dans l'un et l'autre cas ordonner l'enregistrement de tous les billets qui seront émis ou jetés dans la circulation comme équivalent du numéraire. Elle exigera aussi des garanties suffisantes pour le rachat de ces billets en espèces.

M. Eustis propose de biffer tout le commencement de l'article jusqu'au mot "lois" et d'insérer les mots suivants :

"Les Corporations possédant le privilège de faire des opérations de banque ou d'escompte ne peuvent être créées par des lois spéciales, mais pourront être établies en vertu de lois générales," et aussi d'effacer les mots "dans l'un et l'autre cas."

Mr. Swazey présente le substitut suivant :

"Les Corporations possédant le privilège de faire des opérations de banque ou d'escompte peuvent être créées, soit par des lois spéciales, soit en vertu de lois générales. Bien entendu que l'Etat ne s'engagera pas en faveur des dites corporations."

Pendant la discussion, sur motion, la Convention s'ajourne à ce soir 5 heures.

#### SEANCE DU SOIR.

JEUDI, 29 Juillet 1852.

5 heures P. M.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 89 délégués sont présents.

Sur motion, congé est accordé à MM. Byrne, Robinson et Anderson de St-Landry.

Sur motion de M. Bienvenu, la Convention se dispense de la lecture du journal.

#### ORDRE DU JOUR.

##### AFFAIRES NON-TERMINÉES.

La Convention reprend la considération du rapport de la majorité du comité sur les Dispositions Générales.

L'art. 122 du dit rapport était devant la Convention lors de son ajournement, ainsi que l'amendement de M. Eustis et le substitut de M. Swazey,

Le substitut présenté par M. Swazey étant la première question,

M. Roman fait la motion de la déposer sur le bureau.

Sur cette motion, M. Akenhead demande l'appel nominal, qui présente le résultat suivant :

MM Avery, Anderson de Carroll, Armant, Addison, Bradford, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Boyer, Buisson, Bullard, Castellanos, Carter, Collens, Cotton, Conrad, Dalferès, Delony, Declouet, Douglass, Dufour, Dugué, Duffel, Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hayes, Harris, Hargis, Herron, Hébert, Hough, Hunt, Isaacks, Jennings, Jones, King de Jackson, Key, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews d'Orléans, Mathews de Pte-Coupée, Mather, Moss, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Paxton, Patterson, Preaux, Price, Pearce, Pierson, Phillips, Pugh, Reeves, Richardson de Ouachita, Rixner, Risk, Roselius, Roman, Ronquillo, Sandidge, St-Paul, Staës, Smart, Shaw, Scarborough, Shelton, Smith d'O Féliciana, Smith de Winn, Sibley, Simms, Tatman, Talbot, Taliafero, Thompson, Todd, VanWickle, Villeré, Waddill et Wittington—95, votent dans l'affirmative.

Et MM. Akenhead, King de St-Landry, Martin, Mongé, Nicholls, Richardson de Ste-Marie, Roysden et Swazey—8, votent dans la négative.

Par conséquent la motion prévaut et le substitut est déposé sur le bureau.

La question étant alors sur l'amendement de M. Eustis, M. Roman fait la motion de le déposer sur le bureau.

L'appel nominal est demandé par M. Carter, et donne le résultat suivant :

MM. Akenhead, Avery, Anderson de Carroll, Armant, Bartlett, Benjamin, Bernard, Brother, Boudousquié, Buisson, Castellanos Collens, Conrad, Dalferès, Declouet, Douglass, Dufour, Dugué, Duffel, Eggleston, Farmer, Gardère, Guion, Hayes, Harris, Hunt, Isaacks, Jennings, Jones, King de St-Landry, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews d'Orléans, Martin, Mongé, Nicholls, Olivier de St-Martin, Olivier de Ste-Marie, Palfrey, Paxton, Patterson, Preaux, Price, Pearson, Pugh, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, St-Paul,



Staës, Swazey, Shaw, Scarborough, Smith d'O. Féliciana, Tatman, Thompson, Todd, Williams, Wittington et Wilcoxon—69, votent dans l'affirmative.

Et MM. Addison, Bradford, Beale, Beard, Bienvenu, Boyer, Bullard, Carter, Cotton, Delony, Edwards de Washington, Eustis, Hatch, Hargis, Herron, Hébert, Hough, Jourlan, King de Jackson, Mathews de Pte-Coupée, Mather, Moss, Pearce, Phillips, Reeves, Richardson de Ouachita, Ronquillo, Sandidge, Smart, Shelton, Smith de Winn, Sibley, Simms, Talbot, Taliaferro, VanWickle, Villeré et Waddill — 38, votent dans la négative.

Par conséquent la motion prévaut et l'amendement est déposé sur le bureau.

M. Taliaferro présente le substitut suivant à l'article rapporté par la majorité du comité, savoir :

Aucune corporation possédant le privilège de faire des opérations de Banque ou d'escompte ne sera créée, renouvelée ou étendue, si ce n'est en vertu d'une loi générale de la Législature, qui sera d'abord soumise au peuple et approuvée par une majorité des électeurs de l'Etat.

M. St-Paul fait la motion de déposer le substitut sur le bureau.

Sur cette motion, M. Taliaferro demande l'appel nominal qui donne le résultat suivant :

MM. Akenhead, Avery, Anderson de Carroll, Armant, Bradford, Bartlett, Benjamin, Bernard, Brother, Boudousquié, Bullard, Buisson, Castellanos, Collens, Cotton, Conrad, Dalferès, Declouet, Douglass, Dufour, Dugué, Duffel, Eggleston, Farmer, Gardère, Guion, Hayes, Harris, Hunt, Jennings, Jones, Key, King de St-Landry, Lapeyre, Leefe, Leeds, Lobdell, LeBlanc, Lyle, McIlhenny, McMillen, Mathews d'Orléans, Martin, Mongé, Nicholls, Olivier de St-Marie, Palfrey, Paxton, Preaux, Price, Pierson, Pugh, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Roysden, Sandidge, St. Paul, Staës, Swazey, Shaw, Scarborough, Smith d'O. Féliciana, Tatman, Thompson, Todd, Williams et Wittington—70, votent dans l'affirmative.

MM. Addison, Beale, Beard, Bienvenu, Boyer, Carter, Delony, Edwards de Washington, Hatch, Hargis, Herron, Hébert, Hough, Isaacks, Jourdan, King de Jackson, Mathews de Pte-Coupée, Mather, Moss, Patterson, Pearce, Phillips, Richardson de Ouachita, Ronquillo, Smart, Shelton, Smith de Winn, Sibley, Simms, Talbot, Taliaferro, VanWickle, Villeré, Waddill et Wittington—35, votent dans la négative.

Par conséquent, la motion prévaut et le substitut présenté par M. Taliaferro est déposé sur le bureau.

M. Swazey fait la motion de déposer sur le bureau, l'article 122, rapporté par la majorité du comité sur les dispositions générales.

Sur cette motion, l'appel nominal est demandé et présente le résultat suivant :

Messieurs Akenhead, Boyer, Isaacks, King de St-L., King de J., Martin, Mongé, Nichols, Phillips, Richardson de Ste-M., Roysden, Swazey et Shelton,

Votent dans l'affirmative—13. Et

MM. Avery, Anderson de C., Armant, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Castellanos, Carter, Collens, Conrad, Cotton, Dalferès Delony, Declouet, Douglas Dufour, Dugué, Duffel, Edwards de W, Eustis, Eggleston, Farmer, Gardère, Guion, Hatch, Hays, Harris, Hargis, Herron, Hébert, Hough, Hodges, Hunt, Jennings, Jourdan, Jones, Key, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Mathews d'Orléans, Mathews de P. C., Mather, Moss, Olivier de St-M., Olivier de Ste-M., Palfrey, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Pugh, Reeves, Richardson de Oua., Rixner, Risk, Roselius, Roman, Ronquillo, Sandidge, St-Paul, Staës, Smart, Shaw, Scarborough, Smith d'O. F., Smith, de Winn, Sibley, Simms, Tatman, Talbot, Taliaferro, Thompson, Todd, Van Wickle, Villeré, Waddill, Wittington et Wilcoxon,

Votent dans la négative—96.

Par conséquent la motion est rejetée et l'article n'est pas déposé sur le bureau.

M. Phillips propose le substitut suivant à l'article, savoir :

Des corporations ne seront créées dans cet Etat par des lois spéciales que pour des objets politiques ou municipaux.

La Législature pourvoiera par des lois générales à l'organisation de toutes autres corporations.

M. Hargis présente l'amendement suivant, à être inséré à la suite de l'article original :

Et qu'aucune banque ne sera autorisée à émettre plus que le montant du capital versé.

Pendant ce, M. Declouet demande que la question principale soit mise aux voix, ce qui est ordonné.

La question première étant sur le substitut présenté par M. Phillips elle est décidée négativement, et le substitut est rejeté.

La seconde question étant alors sur l'amendement proposé par M. Hargis, il est aussi rejeté.

L'adoption de l'article original est alors la question devant la Convention.

La question est décidée dans l'affirmative et l'article est adopté sans amendement.

L'article 123 de la Constitution est alors lu en ces termes :

Art. 123.—La Législature n'aura pas le pouvoir de passer aucune loi autorisant d'aucune manière directe ou indirecte, la suspension de paiements en espèces, par aucune personne, association ou corporation qui émet des billets d'aucune description.

Sur motion, le susdit article est adopté sans amendements.

Lecture est alors faite de l'article 124 en ces termes :

Art. 124.—En cas d'insolvabilité d'une banque ou d'une association, les porteurs de billets auront droit à une préférence dans le paiement sur tous les autres créanciers de telle banque ou association.



M. Cotton présente ce qui suit, à être inséré à la fin de l'article :

Les actionnaires de chaque corporation ou association, possédant le privilège de faire des opérations de banque et qui émettent des billets ou aucun papier circulaire, seront responsables, individuellement jusqu'à concurrence de leurs actions respectives, pour les dettes ou engagements de la dite compagnie.

M. St-Paul fait la motion de déposer l'amendement sur le bureau. Cette motion prévaut.

M. Jennings présente alors l'amendement suivant qui est aussi déposé sur le bureau.

Toutes banques seront ouvertes à l'inspection de leurs livres, papiers et tableaux selon de tels règlements qui seront prescrits par la loi.

Sur motion de M. Roman l'article rapporté par la majorité du comité, est adopté sans amendements.

M. Martin présente l'article additionnel suivant qui est ainsi conçu :

Art.—Dans tous les cas, lorsque la Législature autorisera, soit par des lois spéciales ou générales, l'établissement d'une corporation avec le privilège de faire des opérations de banque elle exigera que la dite compagnie établisse au moins une branche hors de la paroisse d'Orléans.

M. St-Paul fait la motion de déposer l'article additionnel sur le bureau.

L'appel nominal est demandé et donne le résultat suivant :

MM. Avery, Anderson de C., Armant, Addison, Bradford, Bartlett, Benjamin, Bernard, Beale, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Castellanos, Carter, Collens, Cotton, Declouet, Douglass, Dufour, Dugué, Edwards de W., Eggleston, Eustis, Farmer, Gardère, Guion, Hatch, Hays, Harris, Hargis, Herron, Hébert, Hough, Hodges, Hunt, Jennings, Jones, King de St-L., King de J., Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'O., Mather, Paxton, Patterson, Preaux, Price, Pierce, Pierson, Phillips, Pugh, Reeves, Richardson de Ouachita, Richardson de Ste-Marie, Rixner, Risk, Roselius, Roman, Ronquillo, Sandidge, St-Paul, Staës, Smart, Shaw, Smith d'O. F., Smith de Winn, Sibley, Tatman, Talbot, Taliaferro, Thompson, Villeré, Waddill et Wittington.

Votent dans l'affirmative—80.

Et MM. Akenhead, Beard, Boyer, Connely, Dalferes, Duffel, Isaacks, Key, Le Blanc, McMillen, Mathews, de Pointe-Coupée ; Martin, Moss, Monge, Nicholls, Olivier, de St Martin ; Olivier, de Ste Marie ; Roysden, Swazey, Scarborough, Shelton, Simms, Todd, Van Wickle, Waddill et Wittington votent dans la négative—26.

Par conséquent l'article additionnel est déposé sur le bureau.

M. Eustis présente l'article additionnel suivant, savoir :

Art. — Des corporations seront établies en vertu de lois générales, mais ne pourront être créées par un acte spécial, sauf pour des objets municipaux, et dans les cas où la Législature jugera nécessaire."

Sur motion, l'article additionnel est déposé sur le bureau.

L'article 125 est alors lu en ces termes .

Art. 125—"La Législature aura le pouvoir de passer de telles lois qu'elle jugera nécessaire pour venir en aide à la Banque des Citoyens de la Louisiane, et les actes déjà passés à cet égard sont ratifiés et confirmés."

M. Simms présente le proviso suivant, qui est sur motion, adopté :

" Bien entendu que la dite banque sera sujette aux restrictions contenues dans les articles 123 et 124."

Sur motion, l'article ainsi amendé est adopté.

Et sur motion, la Convention s'ajourne à demain matin à 9 heures.

VENDREDI, 30 Juillet 1852.

La Convention se réunit conformément à l'ajournement.

Le Révérend M. Crenshaw ouvre la séance par une prière.

L'Hon. D. F. Kenner, président de la Convention, occupe le fauteuil et 91 délégués sont présents.

Le président soumet à la Convention une communication de M. J. S. Barrow et autres, invitant la Convention à assister à une assemblée et un "barbacue" whig, dans les environs de la ville de Baton-Rouge, lundi prochain, el 2 août.

Sur motion de M. Beale, l'invitation est acceptée.

M. Paxton présente à la Convention les lettres de créance de M. A. Toulouse, membre élu de la paroisse Lafayette.

M. Pugh présente la résolution suivante, qui, sur motion est adoptée.

Résolu que le facteur de la Convention continuera ses fonctions pendant vingt jours après l'ajournement, à l'effet de transmettre les journaux et les lettres, aux différents membres.

M. St-Paul présente l'article additionnel suivant, à être inséré après l'art. 130 de la Constitution, savoir :

Art. — La charge de tout officier de l'Etat, membre de l'Assemblée Générale, ou de toute autre personne occupant une place salariée ou de confiance, en vertu de cette Constitution et des lois faites selon la dite Constitution, seront IPSE FACTO vacante par le fait de la commission d'un des délits mentionnés dans l'article 130 ; et la Législature pourvoiera par la loi à déterminer le dit forfait.

Sur motion, le dit article est adopté.

M. Richardson de Ouachita, présente la résolution suivante, qui, sur motion, est adoptée :

Résolu que lorsque le Journal et les Débats de la Convention seront imprimés, ils seront déposés dans la Bibliothèque d'Etat, pour être distribués de la manière suivante : Un exemplaire à chaque membre et à chaque officier de cette



Convention, — un exemplaire à chaque paroisse de l'Etat, qui sera livré sur un ordre du greffier de la Cour de District, — un exemplaire à chacune des Bibliothèques publiques de l'Etat, — un exemplaire à chaque Etat de l'Union.

Le reste en sera disposé par le bibliothécaire d'Etat, aux taux que fixera la Législature.

M. Jennings, présente les résolutions suivantes, qui sont, sur motion, déposées sur le bureau sujet à l'appel de la Convention, savoir :

1o. Résolu qu'une époque, n'excédant pas 30 jours après l'ajournement, sera allouée au rapporteur de cette Convention, pour qu'il puisse achever les devoirs qui lui sont imposés, et son "per diem" lui sera payé par le trésorier sur son mandat contresigné par le secrétaire.

2o. Résolu que le secrétaire, assistant-secrétaire et tels autres commis de la Convention dont il aura besoin, continueront leurs fonctions pendant ———— jours après l'ajournement de cette Convention, afin qu'ils puissent achever leurs travaux ; et que le secrétaire soit requis de surveiller l'impression et la distribution des Débats et de la Constitution, et l'enregistrement des journaux ; et que les compensations soient payées par le trésorier sur le mandat du secrétaire.

M. Benjamin ayant voté avec la majorité sur l'adoption de l'article additionnel présenté par M. Phillips, et adopté par la Convention, en demande la reprise en considération, qui est accordée.

Le dit article étant devant la Convention, M. Benjamin présente l'amendement suivant, à être inséré à la fin du dit article, savoir :

"Ou à moins que la loi qui l'abroge contienne d'autres dispositions semblables pour le paiement du principal et de l'intérêt de la dette."

Sur motion, l'amendement est adopté et sur une seconde motion l'article ainsi amendé est adopté de nouveau.

#### ORDRE DU JOUR.

##### AFFAIRES NON TERMINÉES.

La Convention reprend la considération du rapport de la majorité du comité sur les Dispositions Générales.

Le Titre VII (Améliorations Internes) rapporté par le dit comité, étant devant la Convention, est lu en ces termes :

#### TITRE VII.

##### AMELIORATIONS INTERIEURES.

Art. — Il y aura un bureau des Travaux publics, lequel se composera de quatre commissaires. L'Etat sera divisé par la Législature en quatre districts, comprenant, autant que possible, un nombre égal d'électeurs ; les votants de chacun de ces districts éliront un commissaire pour une période de quatre années. Deux commissaires désignés par le sort, sur les quatre, qui seront d'abord élus, devront se retirer à l'expiration de la seconde année.

Art. — L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra pourvoir à l'élection et à la rétribution des commissaires ainsi qu'à l'organisation du

Bureau. Les commissaires qui seront d'abord élus, se réuniront au jour fixé par la loi et tireront au sort pour déterminer l'ordre dans lequel expirera leur mandat.

Art. — Les commissaires exerceront une surveillance active et constante sur tous les travaux publics où l'Etat est intéressé, hormis ceux qui sont exécutés par des compagnies d'actionnaires. Ils communiqueront de temps à autre à l'Assemblée Générale leurs vues sur les travaux publics, et suggéreront les mesures qu'ils croiront les plus propres à réaliser avantageusement le but auquel sont destinées les terres inondées que les Etats-Unis ont concédées à cet Etat. Ils nommeront tous les officiers nécessaires aux travaux publics et exerceront tous autres devoirs qui leur seront imposés par la loi.

Art. — Les commissaires pourront être destitués par le vote de la majorité de tous les membres élus à chaque Chambre de l'Assemblée Générale : le motif de la destitution devra être inscrit au Journal de chaque Chambre.

Art. — L'Assemblée Générale aura le pouvoir, moyennant le concours des trois cinquièmes des membres élus à chaque Chambre, d'abolir le Bureau des Travaux Publics, quand elle jugera que ce Bureau n'est plus nécessaire.

M. Williams présente le substitut suivant aux articles 1 et 2 du susdit rapport :

Art. — Il y aura un Bureau des Travaux Publics.

L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra diviser l'Etat en districts d'Améliorations Internes, et chaque district élira un commissaire pour deux ans.

Art. — L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra pourvoir à l'élection des commissaires et à l'organisation du Bureau ; ainsi qu'à la rétribution des commissaires, laquelle rétribution ne sera ni augmentée ni diminuée pendant la durée de leurs fonctions.

M. Williams propose aussi d'insérer après le mot "commissaires" dans le 3me article, les mots "le Bureau d'Améliorations Intérieures et de Travaux Publics", et d'insérer dans le 4me article, après le mot "Commissaires", les mots "L'Ingénieur de l'Etat, arpenteur-général et commissaires"

Le même délégué présente aussi l'article additionnel suivant, savoir :

Art. — L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra pourvoir à l'élection d'un Ingénieur d'Etat et d'un Arpenteur-Général, qui resteront en fonctions pendant deux ans, et fixera la rétribution des dits fonctionnaires, laquelle rétribution ne sera ni augmentée ni diminuée pendant la durée de leurs fonctions, et l'Ingénieur, l'Arpenteur et les Commissaires formeront le Bureau d'Amélioration Intérieures et de Travaux Publics.

M. Key fait la motion d'amender le substitut de M. Williams en effaçant les mots "Ingénieur et Arpenteur-Général."



M. Roman fait la motion de déposer sur le bureau l'amendement, le substitut et le sous-amendement ;

Cette motion prévaut.

M. Jennings propose les articles suivants — au lieu des articles 1er et 2me du rapport — sous le titre de :

#### *Améliorations Intérieures.*

Art. 1er.—Il y aura un Bureau des Travaux Publics, lequel se composera de trois commissaires. L'Etat sera divisé en trois districts, savoir : le 1er, 2me et 3me. — Comprenant autant que possible un nombre égal d'électeurs ; la durée des fonctions du membre élu dans le 1er district, sera d'une année ; dans le 2me de deux années ; et dans le 3me de trois années, de sorte qu'un des membres sera élu annuellement, dont la durée des fonctions sera de trois années. Le Bureau continuera aussi longtemps que les travaux publics dans l'Etat exigeront de la surveillance.

Art. 2.—L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra prescrire les pouvoirs et devoirs du dit Bureau, et devra attirer leur attention particulièrement à la manière d'employer avantageusement les terres marécageuses et inondées de l'Etat. L'Assemblée Générale devra aussi pourvoir à la rétribution et à l'élection des membres composant le dit Bureau, ainsi qu'à remplir les vacances qui pourraient avoir lieu.

M. Simms présente la résolution suivante :

#### DISPOSITIONS GENERALES.

##### *Améliorations Intérieures*

Résolu qu'il sera du devoir de la Législature à sa première session après l'adoption de cette Constitution, de créer un Département d'Améliorations Intérieures à l'effet de prévenir les inondations des terres de l'Etat, et de développer leurs ressources et les facilités de communications.

La Législature aura le pouvoir d'abolir le dit Département quand elle le jugera nécessaire.

M. Sandidge présente le rapport de la minorité, signé par MM. VanWickle et Delony, comme substitut au rapport de la majorité du comité des Dispositions Générales, savoir :

L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra créer un département d'améliorations intérieures et de levées, à l'effet de protéger les terres basses de cet Etat de l'inondation, sur une garantie des terres marécageuses qui ont été concédées à l'Etat par les Etats-Unis ; le produit de la rente des dites terres ne pourra être appliqué à aucun autre objet. Et l'Assemblée Générale devra pourvoir par lois à la vente des dites terres, et établira aussi un système général de levées, d'égoûts, etc., sous la surveillance d'ingénieurs ou de commissaires ou de tous autres officiers de l'Etat qui seront nécessaires à la protection des dites terres.

M. Connely propose d'adopter le premier article du titre VII, rapporté par la majorité du comité sur les dispositions générales.

M. Preaux demande la question préalable. Cette motion prévaut.

Les questions étant sur les propositions de MM. Jennings, Simms et Sandidge, elles sont déposées sur le bureau.

La question est alors la motion de M. Connely d'adopter l'article premier du rapport de la majorité.

M. Smart demande l'appel nominal qui donne le résultat suivant :

MM. Akenhead, Avery, Andrews, Anderson de C., Armant, Bradford, Benjamin, Besançon, Bernard, Bienvenu, Brother, Boudousquié, Bullard, Buisson, Byrne, Castellanos, Cotton, Connely, Conrad, Dalferes, Dufour, Dugué, Duffel, Edwards d'O., Edwards de W., Eggleston, Eustis, Gerdère, Guion, Hays, Hébert, Hernandez, Hunt, Jennings, Jones, Key, King de St-L., Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McIlhenry, Mathews d'O., Mathews de P. C., Marrero, Martin, Mongé, Nicholls, Olivier de St-M., Olivier de Ste-M., Palfrey, Paxton, Preaux, Price, Pugh, Richardson de O., Richardson de Ste-M., Rixner, Risk, Roselius, Roman, Ronquillo, St-Paul, Staës, Swazey, Scarborough, Smith de W., Sibley, Simms, Steward, Tatman, Talbot, Thompson, Van Wickle, Villeré, Waddill, Williams et Wittington votent dans l'affirmative—79.

MM. Addison, Beale, Carter, Delony, De-clouet, Douglass, Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, King de J., Leeds, McMillen, Pierce, Phillips, Reeves, Sandidge, Smart, Shaw, Shelton, Smith, Taliaferro, Toulouse, Todd votent dans la négative—27.

Par conséquent l'article rapporté par le comité sur les dispositions générales est adopté sans amendements.

Le second article du susdit rapport est alors lu et adopté sans amendements.

Lecture étant faite de l'article troisième en ces termes, savoir :

Les commissaires exerceront une surveillance active et constante sur tous les travaux publics où l'Etat est intéressé. Ils communiqueront de temps à autre à l'Assemblée Générale leurs vues sur les travaux publics, et suggéreront les mesures qu'ils croiront les plus propres à réaliser avantageusement le but auquel sont destinées les terres inondées que les Etats-Unis ont concédées à cet Etat. Ils nommeront tous les officiers nécessaires aux travaux publics et exerceront tous les autres devoirs qui leur seront imposés par la loi.

M. Todd propose d'insérer après le mot "intéressé" les mots "et sur toutes les rivières, bayous et chemins publics dans leurs districts respectifs et d'insérer après les mots "à cet Etat" les mots suivants "et pour l'amélioration des dites rivières, bayous et chemins publics."

M. Martin propose comme sous-amendement, d'insérer après le mot "intéressé" les mots suivants : "hormis ceux qui seront exécutés par des compagnies d'actionnaires."

M. Roman fait la motion de déposer l'amendement de M. Todd, sur le bureau.



L'appel nominal est demandé et présente le résultat suivant :

MM. Akenhead, Avery, Andrews, Anderson, Armant, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquié, Byrne, Carter, Cotton, Connely, Declouet, Dufour, Dugué, Duffel, Edwards d'O., Eggleson, Gardère, Guion, Hays, Hernandez, Hunt, Jennings, Jones, Key, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'O., Marrero, Martin, Mongé, Nicholls, Olivier de St-M., Olivier de Ste-M., Palfrey, Paxton, Preaux, Price, Pierce, Richardson de Ste M., Rixner, Risk, Roselius, Roman, Staës, Swazey, Shaw, Sibley, Stewart, Tatman, Talbot, Toulouse, Van Wickle, Villeré et Waddill votent dans l'affirmative—63. Et

MM. Addison, Beale, Bullard, Buisson, Castellanos, Delony, Douglass, Edwards de Wash., Farmer, Hatch, Harris, Hargis, Hébert, Herron, Hough, Hodges, LeBlanc, Mathews de P.C., Patterson, Phillips, Pugh, Richardson de Oua., Ronquillo, Sandidge, Smart, Scarborough, Shelton, Smith de W., Simms, Thompson, Todd, Williams et Wittington votent dans la négative—33.

Par conséquent la motion prévaut et l'amendement est déposé sur le bureau.

La question étant mise aux voix sur la proposition de M. Martin, elle est décidée dans l'affirmative, et l'amendement est adopté.

M. Douglass présente le proviso suivant à être inséré à la fin de l'article, savoir :

Bien entendu que les commissaires dans chaque district auront le pouvoir de nommer les officiers dans ce district.

M. Roman fait la motion de déposer le proviso sur le bureau. Cette motion prévaut.

M. Richardson de Oua., fait la motion de biffer tout ce qui suit le mot "nécessaire" jusqu'aux mots "de cet Etat."

M. Roman propose de déposer l'amendement sur le bureau.

L'appel nominal est demandé et présente le résultat suivant, savoir :

MM. Akenhead, Avery, Andrews, Armant, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquié, Buisson, Byrne, Castellanos, Cotton, Connely, Conrad, Declouet, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardère, Guion, Hays, Hunt, Jennings, Jones, Key, Lapeyre, Leefe, Leeds, Lobdell, Lyle, McIlhenny, Mathews d'O., Mathews de P. C., Marrero, Martin, Mather, Mongé, Nicholls, Olivier de St M., Olivier de Ste M., Palfrey, Paxton, Preaux, Price, Pugh, Reeves, Rixner, Risk, Roselius, Roman, St-Paul, Staës, Shaw, Smith, Simms, Stewart, Talbot, Taliafero, Toulouse, Van Wickle, Villeré et Williams votent dans l'affirmative—66. Et

MM. Anderson de C., Beale, Delony, Douglass, Edwards de W., Farmer, Hatch, Harris, Hargis, Herron, Hodges, King de J., McMillen, Patterson, Pierce, Richardson de Ste M., Roysden, Ronquillo, Smart, Scarborough, Shelton, Smith de Winn, Sibley, Thompson, Todd, Waddill et Wittington votent dans la négative—27.

Par conséquent la motion prévaut et l'amendement est déposé sur le bureau.

M. Delony, présente le proviso suivant qui est sur motion déposé sur le bureau :

Bien entendu qu'aucun argent, excepté celui provenant de la vente des terres marécageuses et inondées, ne sera appliqué au but ici désigné.

Sur motion l'article original est adopté ainsi qu'il est amendé.

MM. Richardson de O., et Todd obtiennent le privilège de faire enregistrer leurs votes contre l'adoption du dit article.

L'article 4 étant lu est adopté sans amendements.

Lecture étant faite de l'article 5 du rapport en ces termes :

Art.—L'Assemblée Générale aura le pouvoir, moyennant le concours des trois cinquièmes des membres élus à chaque Chambre, d'abolir le bureau des travaux publics quand elle jugera que ce bureau n'est plus nécessaire.

M. Todd propose de biffer les mots "trois cinquièmes" et d'insérer le mot "majorité."

Sur la motion d'adopter cet amendement, M. Smart demande l'appel nominal qui présente le résultat suivant :

MM. Addison, Bradford, Beale, Byrne, Declouet, Delony, Douglass, Edwards de W., Farmer, Hatch, Harris, Hargis, Herron, Hough, Hodges, King de J., Leeds, McMillen, Paxton, Patterson, Price, Pierce, Phillips, Reeves, Richardson de Oua., Richardson de Ste M. Roysden, Sandidge, Smart, Shelton, Smith de Winn, Taliafero, Thompson et Todd votent dans l'affirmative—34.

Messrs. Akenhead, Avery, Andrews, Armant, Benjamin, Besançon, Bernard, Bienvenu, Brother, Boudousquié, Boyer, Buisson, Castellanos, Conrad, Cotton, Dalferes, Dufour, Dugué, Duffel, Edwards d'Orléans, Eggleston, Gardère, Guion, Hays, Hébert, Hernandez, Jennings, Jourdan, Jones, Key, King de St. Landry, Lapeyre, Leefe, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews d'Orléans, Mathews de Pte Coupée, Marrero, Martin, Mather, Mongé, Nicholls, Olivier de St Martin, Olivier de Ste Marie, Palfrey, Preaux, Pugh, Rixner, Risk, Roselius, Roman, Ronquillo, St Paul, Staës, Swazey, Shaw, Scarborough, Smith de O. Féliciana, Sibly, Simms, Stewart, Tatman, Talbot, Toulouse, Van Wickle, Villeré, Waddill, Williams et Wittington votent dans la négative—71.

Par conséquent la motion d'adopter est rejetée et l'amendement n'est pas adopté.

Mr. Smart propose alors d'effacer les mots "trois cinquièmes des membres élus à" et d'insérer les mots "vote des trois cinquièmes des membres de."

M. Hough présente le substitut suivant au sus dit article, savoir :

L'Assemblée Générale aura le pouvoir d'abolir le dit Bureau lorsqu'elle jugera que le dit Bureau n'est plus nécessaire."

Sur motion le substitut est déposé sur le bureau, et sur motion l'article est adopté sans amendement.



M. Farmer présente l'article additionnel suivant, à être inséré sous le titre d'améliorations intérieures, savoir :

“Les terres marécageuses sur chaque cours d'eau seront appliquées exclusivement à l'amélioration du dit cours d'eau, à moins qu'après un examen fait par des ingénieurs compétens il soit déclaré impossible de dessécher les dites terres.”

M. Roman fait la motion de déposer le sus dit article sur le bureau.

Cette motion prévaut.

M. Benjamin, au nom du Comité de Style, présente le rapport suivant, qui, sur motion, est adopté :

Le Comité sur le Style présente la révision suivante des articles dans le Titre VI. “Dispositions Générales.”

Art. 113.—L'Etat ne pourra pas souscrire au capital d'une corporation ou d'une compagnie d'actionnaires créée ou établie dans le but de faire des opérations de banque ou pour toute autre fin que celle mentionnée dans l'article suivant, ni faire un prêt à cette corporation ou à cette compagnie, ni engager sa responsabilité en leur faveur.

Art. 114.—La Législature aura le pouvoir de venir en aide aux compagnies ou aux associations d'individus formées dans le but unique d'exécuter des travaux d'améliorations intérieures, situés en tout ou en partie dans l'Etat, mais seulement jusqu'à concurrence d'un cinquième du capital de ces Compagnies, soit en souscrivant au capital, soit en leur faisant un prêt ou en émettant des bons. Mais quand un pareil secours sera accordé, il ne sera fait de paiemens à la compagnie que dans une proportion égale au versement du reste du capital par les actionnaires de la compagnie. Lorsque l'Etat fera un prêt, la Législature devra exiger des garanties suffisantes, de telle manière qu'elle croira convenable.

Aucune corporation et aucune association d'individus recevant des secours de l'Etat, comme il est ci-dessus mentionné, ne possédera le privilège de faire les opérations de banque ou d'es-compte.

Art. 115.—L'Etat ne contractera point d'engagement comme ci-dessus mentionné, s'il n'y est autorisé par une loi, et si ce n'est pour une entreprise ou un but unique clairement déterminé dans la loi. Cette loi devra être votée par la majorité des membres élus aux deux Chambres de l'Assemblée Générale. Le chiffre total de la dette et des engagements que l'Etat pourra contracter dans l'avenir, en vertu de cet article et de celui qui précède, n'excédera à aucune époque la somme de huit millions de piastres.

Art. 116.—Toutes les fois que la Législature contractera, pour tout autre motif que celui de repousser une invasion ou de réprimer une insurrection, une dette dont le montant excédera cent mille piastres, elle sera tenue de pourvoir, dans la loi qui crée la dette, aux moyens d'en acquitter les intérêts et de rembourser le principal à l'échéance. Cette loi ne pourra pas être

abrogée avant que le principal et les intérêts aient été intégralement acquittés, à moins que la loi qui l'abroge ne décrète quelque autre moyen pleinement suffisant pour éteindre le principal et l'intérêt de la dette.

Le Comité recommande aussi que l'article supplémentaire présenté par M. St Paul soit ajouté à la suite de l'article 130—le mot “et” devant être inséré au commencement de l'article, et le chiffre 130 changé.

Le Comité ne recommande aucun autre changement dans ce titre.

(Signé)

J. P. BENJAMIN,  
Rapporteur.

M. Key propose alors que la Convention s'occupe maintenant du rapport de la majorité du Comité sur l'instruction publique.

Cette motion prévaut.

Et le rapport est lu en ces termes, savoir :

#### § TITRE VII.

##### *Instruction Publique.*

Art. — L'Assemblée Générale établira dans tout l'Etat des Ecoles Publiques Gratuites et pourvoiera à leur maintien par impôt général sur les propriétés ou autrement ; et toutes les sommes ainsi prélevées seront distribuées à chaque paroisse en proportion du nombre d'enfants entre de tels âges que déterminera la Législature.

Art.—Le produit de toutes terres concédées à cet Etat par les Etats-Unis pour le maintien des Ecoles Publiques, et de toutes terres qui pourraient être désormais accordées ou léguées à l'Etat, sans destination expresse et dont l'Etat pourra plus tard disposer, ainsi que le produit des successions échues à l'Etat conformément à la loi, resteront en possession de l'Etat à titre de prêt et formeront une rente perpétuelle dont l'Etat acquittera annuellement l'intérêt à raison de six pour cent. Cet intérêt joint à celui des fonds remis par les Etats-Unis à cet Etat à titre de dépôt, en vertu d'une loi du Congrès du 23 Juin 1836, sera affecté, ainsi que la totalité de la rente des terres non vendues à l'entretien des Ecoles Publiques ; et cette allocation restera inviolable.

Tous revenus provenant des ventes qui auront été faites ou qui pourront se faire des terres accordées à l'Etat à l'usage d'un séminaire, et provenant aussi de donations qui pourront être faites plus tard, resteront en possession de l'Etat à titre de fonds perpétuel, dont l'intérêt à six pour cent sera appliqué au soutien d'une Maison d'Education, et aucune loi ne pourra être votée pour détourner la dite rente à aucun autre usage.

M. Hébert présente le substitut suivant :

Art.—La Législature devra pourvoir à l'élection par le peuple, d'un Surintendant d'Instruction Publique, qui continuera en fonctions pendant quatre ans, et dont les devoirs et la rétribution seront fixés par la Législature.

La Législature devra encourager par tous moyens convenables l'avancement de l'intelligence et de la science. Le produit de toutes les



terres qui pourront à l'avenir être concédées à l'Etat, sans destination expresse, et les successions échues à l'Etat ainsi que la rente qui pourra être accordée par le Congrès pour la vente des terres publiques dans cet Etat, resteront en possession de l'Etat, à titre de fonds perpétuel dont l'intérêt sera appliqué à l'usage des Ecoles Publiques de cet Etat.

La Législature pourvoiera à un système d'écoles gratuites, par le moyen duquel une école sera maintenue dans chaque District au moins pendant trois mois de l'année; et tout District Scolaire qui négligera de maintenir une telle école, sera privé de sa proportion de l'intérêt du fonds pendant la durée de cette négligence.

L'Université sera continuée sujette à de telles lois que la Législature pourra ordonner pour son amélioration.

Sur motion de M. St Paul, le dit substitut est déposé sur le bureau.

M. Préaux présente alors le substitut suivant au rapport de la majorité du Comité.

#### TITRE VII.

##### *Instruction Publique.*

Art.—L'Université de la Louisiane, établie dans la ville de la Nouvelle Orléans, sera, comme auparavant, composée de quatre facultés, savoir: une faculté de droit, une faculté de médecine, une faculté des sciences naturelles, et une faculté des lettres.

Art.—La Législature aura le pouvoir de voter les lois qui seront nécessaires aux réglemens de cette université et à l'avancement de la littérature et des sciences, mais elle ne sera pas tenue de contribuer au soutien de la dite Université par des allocations.

Art.—La Législature établira des écoles publiques gratuites dans tout l'Etat; elle pourvoiera à leur soutien au moyen d'une taxe sur propriétés ou autrement.

Art.—Le produit de toutes les terres précédemment concédées à cet Etat par les Etats-Unis pour l'usage ou le soutien des écoles, et de toutes les terres qui pourront être à l'avenir concédées ou léguées à l'Etat et qui ne seront pas expressément concédées ou léguées pour un autre objet et dont l'Etat pourra disposer à l'avenir, et le produit des successions auxquelles l'Etat pourra avoir droit en vertu de la loi, seront retenus par l'Etat à titre de prêt et formeront un fonds perpétuel sur lequel l'Etat paiera un intérêt de six pour cent, lequel intérêt en semble avec les loyers des terres invendues, seront appliqués au soutien des dites écoles, et cette allocation restera inviolable.

Art.—Tout le produit des ventes qui ont été faites ou qui pourront être faites à l'avenir de toutes terres précédemment concédées à cet Etat par les Etats-Unis pour l'usage d'un établissement d'instruction, et de toute espèce de donation qui pourra par la suite être faite pour cet objet, seront et formeront un fonds perpétuel dont l'intérêt au taux de six pour cent par an sera appliqué au soutien d'un établissement d'instruction pour le progrès de la littérature, des sciences et des arts, et il ne sera jamais

passé de loi pour appliquer le dit fonds à aucun autre usage qu'à la fondation et à l'amélioration du dit établissement d'instruction.

Art.—La Législature devra pourvoir par loi à une distribution juste, parmi les paroisses en proportion du nombre des enfans entre de tels âges que fixera l'assemblée Générale, de toutes les sommes prélevées par impôt à l'usage des dites écoles publiques.

Art.—Il y aura un surintendant de l'instruction publique qui exercera ses fonctions pendant une période de deux années. Il sera élu par les électeurs de l'Etat. Ses devoirs seront prescrits par la loi et il recevra le traitement que fixera la Législature.

M. Avery propose alors de déposer sur le bureau le substitut de M. Preaux, et le rapport de la majorité du Comité sur l'Instruction publique.

Cette motion prévaut.

M. Avery fait la motion de passer au titre 7 de la Constitution de 1845 (Instruction publique) au lieu du rapport de la majorité du Comité.

Cette motion prévaut.

Le premier article du dit titre est alors lu en ces termes, savoir:

#### TITRE VII.

##### *De l'Instruction Publique.*

Art. 133.—Il sera nommé un surintendant de l'instruction publique qui occupera sa place pendant deux années, et dont les devoirs seront définis par la loi. Il recevra tel traitement que la Législature pourra déterminer.

M. Lobdell présente le substitut suivant au sus-dit article.

Art. 133.—L'Instruction Publique dans cet Etat sera sous la surveillance des Juris de police des différentes paroisses et des autorités municipales des différentes cités et villes de l'Etat."

M. Avery fait la motion de déposer le substitut sur le bureau.

Laquelle motion prévaut.

M. Todd obtient le privilège de faire enrégistrer son vote contre la motion de M. Avery.

M. Pugh présente alors le substitut suivant à l'article 133 de la Constitution:

Art. 133.—Il sera élu à chaque élection générale du peuple de cet Etat un surintendant de l'Instruction publique qui continuera en fonctions pendant la période de deux ans. Ses devoirs seront prescrits par les lois et il recevra le traitement fixé par la Législature."

Pendant la considération du dit substitut, la Convention s'ajourne à ce soir 5 heures.

#### SEANCE DU SOIR.

VENDREDI 30 Juillet, 1852.

La Convention se réunit conformément à l'ajournement.



L'honorable D. F. Kenner occupe le fauteuil, et 81 délégués sont présents.

Sur motion de M. Risk, la Convention se dispense de la lecture du journal.

### ORDRE DU JOUR.

#### AFFAIRES NON-TERMINEES.

La Convention reprend la considération de l'article 133 de la Constitution sous le titre de "L'Instruction Publique" avec le substitut présenté par M. Pugh, lesquels étaient en considération lors de l'ajournement de la Convention.

M. Jennings propose de biffer dans le substitut le mot "deux", et insérer le mot "quatre".

Cette motion prévaut.

M. Key fait la motion de déposer cette proposition sur le bureau.

M. Key propose alors de déposer sur le bureau le substitut présenté par M. Pugh.

Sur cette motion, M. Richardson d'Ouachita, demande l'appel nominal, qui présente le résultat suivant :

MM. Addison, Bernard, Beale, Bullard, Byrne, Carter, Cotton, Conrad, Delony, Declouet, Douglass, Duffel, Edwards, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hough, Hodges, Jones, Key, King, de Jackson : Lobdill, McMillen, Mathews, de Pointe-Coupée ; Monge, Patterson, Pierce, Phillips, Richardson, de Ste Marie ; Richardson, d'Ouachita ; Sandidge, St Paul, Smart, Shaw, Scarborough, Shelton, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Taliafero ; Thompson, Todd, Toulouse, Williams et Wilcoxon votent dans l'affirmative—48.

Et MM. Avery, Armant, Bradford, Benjamin, Besançon, Bienvenu, Brother, Boudousquié, Buisson, Castellanos, Dufour, Dugué, Edwards, d'Orléans ; Gardère, Hayes, Hébert, Hernandez, Isaacks, Jennings, Jourdan, Lapeyre, Leefe, Leeds, Le Blanc, Lyle, McIlhenny, Mathews, d'Orléans ; Moss, Palfrey, Paxton, Preaux, Pugh, Reeves, Rixner, Risk, Rosélius, Roman, Ronquillo, Staës, Sibley, Simms, Stewart, Tatman, Talbot, VanWickle, Villeré, Waddill et Wittington votent dans la négative—48.

Le vote étant égal, le Président vote dans la négative et déclare que la proposition de déposer sur le bureau est rejetée.

La motion étant alors sur l'adoption du substitut de M. Pugh,

M. Avery demande l'appel nominal, qui présente le résultat suivant :

MM. Akenhead, Avery, Armant, Bradford, Benjamin, Besançon, Bienvenu, Brother, Boudousquié, Buisson, Castellanos, Dufour, Dugué, Edwards, d'Orléans ; Eggleston, Eustis, Gardère, Hayes, Hébert, Hernandez, Isaacks, Jennings, Jourdan, Lapeyre, Leefe, Leeds, Le Blanc, Lyle, McIlhenny, Mathews, d'Orléans ; Moss, Paxton, Preaux, Pugh, Reeves, Rixner, Risk, Rosélius, Roman, Ronquillo, Staës, Smart, Shaw, Sibley, Simms, Stewart, Tatman, Talbot, Villeré, Waddill et Wittington votent dans l'affirmative—51.

MM. Addison, Bernard, Beale, Bullard, Carter, Cotton, Connely, Conrad, Delony, Declouet, Douglass, Duffel, Edwards, de Washington ; Far-

mer, Guion, Hatch, Harris, Hargis, Herron, Hough, Hodges, Jones, Key, King, de Jackson, Lobdill, McMillen, Mathews, de Pointe-Coupée ; Monge, Palfrey, Patterson, Pierce, Phillips, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Sandidge, St Paul, Scarborough, Shelton, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Taliafero, Thompson, Todd, Toulouse, Van Wickle, Williams et Wilcoxon votent dans la négative—47.

Par conséquent la motion prévaut, et le substitut de M. Pugh est adopté.

M. Palfrey ayant voté avec la majorité sur l'adoption du substitut de M. Pugh à l'article 133 de la Constitution, en demande la reprise en considération, qui est accordée.

Le substitut et l'original étant alors devant la Convention, M. Palfrey fait la motion de rejeter l'article et le substitut.

Sur cette motion, l'appel nominal est demandé, et présente le résultat suivant :

MM. Anderson, de Carroll ; Addison, Bernard, Beale, Bullard, Carter, Cotton, Connely, Conrad, Delony, Declouet, Douglass, Dufour, Edwards, de Washinton ; Farmer, Guion, Hatch, Harris, Hargis, Herron, Hough, Hodges, Jourdan, Jones, Key, King, de St Landry ; King, de Jackson ; Lobdill, McMillen, Mathews, de Pointe-Coupée ; Monge, Nicholls, Olivier, Palfrey, Patterson, Price, Pierce, Phillips, Richardson, d'Ouachita ; Richardson, de Ste Marie ; Roysden, Sandidge, St Paul, Smart, Shaw, Scarborough, Smith, d'Ouest-Féliciana ; Smith, de Winn ; Taliafero, Thompson, Todd, Toulouse, Van Wickle, Williams et Wilcoxon votent dans l'affirmative—55.

Et Messrs. Akenhead, Avery, Armant, Bradford, Benjamin, Besançon, Bienvenu, Brother, Boudousquié, Boyer, Buisson, Byrne, Castellanos, Dalferes, Dufour, Dugué, Edwards d'Orl., Eggleston, Eustis, Gardère, Hays, Hébert, Hernandez, Isaacks, Jennings, Lapeyre, Leefe, Leeds, Le Blanc, McIlhenny, Mathews d'Orl., Moss, Paxton, Preaux, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Staës, Shelton, Sibly, Simms, Tatman, Talbot, Villeré, Waddill, Wittington, votent dans la négative—50.

Par conséquent la motion prévaut et l'article de la Constitution et le substitut sont rejetés.

Messrs. Herron, Beale et Conrad présentent par écrit leurs raisons pour avoir voté contre le substitut présenté par M. Pugh et demandent que ces dites raisons soient insérées dans le Journal, savoir :

"Nous avons voté contre le substitut de M. Pugh, étant opposés à la création d'une charge de surintendant d'Instruction publique. Si la charge doit être créée, nous préférons la voir élire par le peuple.

M. Bullard présente l'article suivant à être inséré à la place de l'art. 133 de la Constitution.

Art. 133.—Le Secrétaire d'Etat sera ex officio surintendant de l'Instruction publique. Ses devoirs seront prescrits par la loi, et il recevra la rétribution additionnelle qui sera fixée par la loi."



M. Jennings fait la motion de déposer le susdit substitut sur le bureau.

Sur cette motion l'appel nominal est demandé et présente le résultat suivant :

Messrs. Akenhead, Avery, Anderson de Carroll, Addison, Bradfotd, Benjamin, Besançon, Bienvenu, Brother, Buisson, Byrne, Castellanos, Carter, Cotton Connely, Dalferes, Delony, Declouet, Douglass, Dufour, Dugué, Duffel, Edwards d'Orléans, Edwards de Washington, Eggleston, Eustis, Gardère, Hatch, Hébert, Hernandez, Isaacks, Jennings, Jones, Key, King de St Landry, Lapeyre, Leefe, Leeds, McIlhenny, Mathews d'Orléans, Moss, Mongé, Nicholls, Olivier de Ste Marie, Palfrey, Paxton, Patterson, Preaux, Price, Pugh, Richardson de Ste Marie, Rixner, Risk, Ronquillo, St. Paul, Staës, Smart, Smith de Winn, Tatman, Talbot, Thompson, Toulouse, Wittington. Wilcoxon votent dans l'affirmative--66.

Messrs. Bernard, Beale, Boudousquié, Boyer, Bullard, Conrad, Farmer, Guion, Harris, Hargis, Herron, Hodges, Jourdan, King de Jackson, Le Blanc, Lobdell, McMillen, Mathews de P. C., Pearce, Phillips, Reeves, Richardson de Oua., Roselius, Roysden, Sandidge, Shaw, Shelton, Scarborough, Smith de O. F. Sibley, Simms, Taliafero, Van Wickle, Villeré, Waddill, Williams votent dans la négative--36.

Par conséquent la motion prévaut et le substitut présenté par M. Bullard est déposé sur le bureau.

L'art. 134 de la Constitution est alors lu en ces termes, savoir :

Art. 134--La Législature établira des écoles publiques gratuites dans tout l'Etat; elle pourvoiera à leur soutien au moyen d'une taxe sur propriétés ou autrement.

M. Hatch présente le substitut suivant :

Art.--L'Assemblée Générale établira des Ecoles publiques gratuites dans tout l'Etat et pourvoiera à leur soutien au moyen d'une taxe sur propriétés ou autrement; et toutes les sommes ainsi prélevées seront distribuées à chaque paroisse en proportion du nombre d'enfants entre tels âges que désignera la Législature.

Pendant la discussion du substitut, la Convention s'ajourne à demain matin 9 heures.

SAMEDI, 31 juillet 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner occupe le fauteuil et 86 délégués sont présents.

Sur motion de M. Farmer, congé est accordé à M. Beard.

M. Joffrion, délégué de la paroisse Avoyelles, se présente et prend son siège.

M. Richardson de Ouachita, présente la résolution suivante qui, sur motion, est adoptée.

Résolu que pendant la séance d'aujourd'hui,

aucun membre ne parlera sur une question pendant plus de cinq minutes à la fois.

M. Dufour présente la résolution suivante qui, sur motion, est adoptée :

Résolu que le secrétaire de la Convention est autorisé à employer un commis additionnel pour aider à l'enrôlement de la Constitution.

M. Gardère, au nom du comité sur les dépenses casuelles, présente la résolution suivante qui sur motion est adoptée.

Résolu que le Président de la Convention est autorisé à effectuer un emprunt, à l'usage de la Convention; lequel emprunt ne devra pas excéder la somme de sept mille piastres et à un taux n'excédant pas six pour cent par an.

M. Benjamin présente la résolution suivante qui est, sur motion, adoptée.

Résolu que mille exemplaires des Débats en anglais et cinq cents en français soient imprimés en outre de ceux déjà ordonnés.

Sur motion de M. Jennings, la Convention passe à la résolution présentée par lui, hier, au sujet du temps qui devra être alloué aux rapporteur, commis, etc. pour qu'ils pussent achever leurs travaux, etc.

Cette portion de la résolution qui concerne le rapporteur, étant lue,

Sur motion de M. Cotton, les mots "30 jours" sont biffés et les mots "60 jours" sont insérés à leur place.

Sur motion, la résolution ainsi amendée, est adoptée, après avoir rempli le blanc par le mot "vingt."

M. Benjamin, au nom du comité sur le style, soumet le rapport suivant :

Le comité n'a qu'un changement à recommander dans le Titre VII "Améliorations Internes", savoir : dans le 1er article, après le mot "divisé" insérer les mots "par la Législature" et dans la troisième ligne, après le mot "district" les mots "par le vote du dit district."

(Signé)

J. P. BENJAMIN.

Sur motion, le rapport est adopté.

M. Williams ayant voté hier avec la majorité sur la motion de rejeter l'article 133 de la Constitution, en demande la reconsidération, — qui est accordée.

L'art. 133 étant devant la Convention,

M. Williams présente le substitut suivant :

#### TITRE VIII.

##### *Instruction Publique.*

Art. 135. — Il sera élu un surintendant de l'instruction publique qui exercera ses fonctions pendant une période de deux années. Ses devoirs seront prescrits par la loi et il recevra le traitement que fixera la Législature. Néanmoins, l'Assemblée Générale pourra, par un vote des trois cinquièmes des membres élus aux deux Chambres, abolir la place de surintendant de l'Instruction Publique, quand elle jugera que cette place n'est plus nécessaire.

Sur motion de M. Hatch, les mots "trois cinquième" sont effacés, et les mots "de la majorité" sont insérés.



M. Williams propose l'adoption du substitut ainsi amendé.

Et sur l'appel nominal il paraît que

MM. Avery, Anderson de Carroll, Armant, Bradford, Benjamin, Bernard, Bienvenu, Brother, Boudousquié, Boyer, Bullard, Buisson, Byrne, Castellanos, Campbell, Dalferes, Dufour, Dugué, Edwards, d'Orléans, Eggleston, Eustis, Gardère, Guion, Hatch, Harris, Hargis, Hébert, Hernandez, Hough, Hunt, Isaacks, Jennings, Jourdan, Jones, Joffrion, Key, Lapeyre, Leefe, Leeds, LeBlanc, Lobdell, Lyle, McIlhenny, Mathews, d'Orléans, Mathews de Pte-C., Parham, Paxton, Paeaux, Phillips, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, Staës, Smart, Shaw, Scarborough, Smith, de Winn, Sibley, Simms, Stewart, Tatman, Talbot, Thompson, Toulouse, VanWickle, Villeré, Waddill, Williams, Wittington et Wilcoxon votent dans l'affirmative —74.

Et MM. Addison, Beale, Carter, Cotton, Connely, Conrad, Douglass, Duffel, Edwards de Wash., Farmer, Herron, Hodges, King de Saint-Landry, King, de Jackson, McMillen, Martin, Mongé, Palfrey, Patterson, Pearce, Richardson de Ouach., Roysden, Sandidge, Shelton, Taliafero, et Todd votent dans la négative,—26.

Par conséquent, le substitut de M. Williams est adopté ainsi qu'il a été amendé.

M. Staës présente la résolution suivante qui, sur motion, est déposée sur le bureau.

Résolu que le délégué de la paroisse Lafayette M. A. Toulouse, élu à la Convention, aura droit à son "per diem" depuis le 5 juillet jusqu'au jour de l'ajournement de cette Convention.

M. Sandidge présente la résolution suivante qui, sur motion, est adoptée :

Résolu que le secrétaire de l'Etat est requis de présenter, au nom de la Convention, à chacun des prédicateurs qui ont assisté à l'ouverture de nos séances, un exemplaire bien relié du Journal et des Débats, comme faible témoignage de respect des différents membres.

M. Richardson de Ouachita présente la résolution suivante :

Résolu que les 15,000 exemplaires de la Constitution dont on a ordonné l'impression, seront livrés au secrétaire de la Convention avant 20 jours—et le dit secrétaire devra en surveiller la distribution aux membres de la Convention, par poste ou autrement.

## ORDRE DU JOUR.

### AFFAIRES NON-TERMINEES.

La Convention reprend la considération de l'article 34 dont elle s'occupait lors de son ajournement, hier, ainsi que du substitut présenté par M. Hatch.

M. Lobdell propose, comme amendement au substitut, d'insérer après les mots "sur propriété" les mots suivants : "par le produit de la vente des terres d'écoles dans les différentes paroisses."

Sur motion, l'amendement est déposé sur le bureau.

La question étant alors sur l'adoption du substitut,

Sur la motion de le déposer sur le bureau,

M. Hatch demande l'appel nominal, qui donne le résultat suivant :

MM. Akenhead, Avery, Andrews, Anderson, de Carroll, Addison, Benjamin, Bernard, Beale, Boudousquié, Boyer, Bullard, Castellanos, Carter, Campbell, Cotton, Conrad, Dalférès, Delony, Douglass, Dugué, Edwards, d'Orléans, Edwards de Washington, Eggleston, Eustis, Farmer, Guion, Hatch, Harris, Hargis, Herron, Hébert, Hernandez, Hough, Hodges, Hunt, Isaacks, Jennings, Jourdan, Jones, Joffrion, Key, King, de St-Land., King, de Jackson, Leefe, LeBlanc, Lobdell, Lyle, McIlhenny, McMillen, Marrero, Martin, Mongé, Nichols, Palfrey, Paxton, Patterson, Preaux, Pearce, Pugh, Richardson de Oua., Risk, Roselius, Roman, Roysden, Ronquillo, Sandidge, Smart, Swazey, Scarborough, Shelton, Smith, de Winn, Simms, Smart, Tatman, Talbot, Taliafero, Thompson, Todd, VanWickle, Waddill, Williams, et Wilcoxon, votent dans la négative,—82.

Et MM. Armant, Bradford, Bienvenu, Brother, Buisson, Connely, Dufour, Duffel, Gardère, Leeds, Mathews, d'Orléans, Mathews de Pte-C., Parham, Phillips, Reeves, Rixner, Shaw, Sibley, VanWickle, votent dans l'affirmative,—19.

Par conséquent la motion de déposer sur le bureau est rejetée, et sur une seconde motion le substitut est adopté.

M. Phillips obtient de faire enregistrer son vote contre l'adoption du susdit substitut,

M. Duffel présente ses raisons pour avoir voté contre l'adoption du substitut :

"Je vote oui, parce que je désire que la distribution de ces sommes soit laissée à la sagesse de l'Assemblée Générale.

(Signé)

DUFFEL.

M. Connely présente ce qui suit :

"Je vote contre le substitut parce que je préfère l'article 134 de la Constitution de 1845."

(Signé)

G. F. CONNELLY,

L'article 135 de la Constitution est alors lu en ces termes, savoir :

Art. 135.—Le produit de toutes les terres précédemment concédées à cet Etat par les Etats-Unis pour l'usage ou le soutien des écoles, et de toutes les terres qui pourront être à l'avenir concédées ou léguées à l'Etat et qui ne seront pas expressément concédées ou léguées pour un autre objet et dont l'Etat pourra disposer à l'avenir, et le produit des successions auxquelles l'Etat pourra avoir droit en vertu de la loi, seront retenus par l'Etat à titre de prêt et formeront un fonds perpétuel sur lequel l'Etat paiera un intérêt de six pour cent, lequel intérêt ensemble avec les loyers des terres invendues, seront appliqué au soutien des dites écoles, et cette allocation restera inviolable.

M. Key présente l'article suivant du rapport de la majorité du comité sur l'Instruction Publique, comme substitut au susdit article, savoir :

Art. 135.—Le produit de toutes les terres concédées jusqu'à ce moment par le Congrès des



Etats-Unis à cet Etat pour l'entretien des écoles; celui de toutes les terres qui pourront, dans l'avenir, être concédées ou léguées à l'Etat, sans destination expresse, et dont l'Etat pourra plus tard disposer, ainsi que le produit des successions échues à l'Etat, conformément à la loi, resteront en la possession de l'Etat à titre de prêt et formeront une rente perpétuelle dont l'Etat acquittera annuellement l'intérêt à raison de six pour cent. Cet intérêt, joint à celui des fonds remis par les Etats-Unis à cet Etat, à titre de dépôt, en vertu d'une loi du Congrès du 23 juin 1836, sera affecté, ainsi que la totalité de la rente des terres non-vendues, à l'entretien des écoles publiques; et cette allocation restera inviolable.

Sur motion, ce substitut est adopté au lieu de l'article de la Constitution de 1845.

La Convention passe alors à l'article 136 de la Constitution, qui est ainsi conçu :

Art. 136.—Tout le produit des ventes qui ont été faites ou qui pourront être faites à l'avenir de toutes terres précédemment concédées à cet Etat par les Etats-Unis pour l'usage d'un établissement d'instruction, et de toute espèce de donation qui pourra par la suite être faite pour cet objet, seront et formeront un fonds perpétuel dont l'intérêt, au taux de six pour cent par an, sera appliqué au soutien d'un établissement d'instruction pour le progrès de la littérature, des sciences et des arts, et il ne sera jamais passé de loi pour appliquer le dit fonds à aucun autre usage qu'à la fondation et à l'amélioration du dit établissement d'instruction.

Sur motion, l'article est adopté sans amendement.

Lecture est faite de l'article 137 de la Constitution, en ces termes :

Art. 137.—Une Université sera établie dans la ville de la Nouvelle-Orléans. Elle sera composée de quatre facultés, savoir : une faculté de droit, une faculté de médecine, une faculté des sciences naturelles et une faculté des lettres.

M. Eustis présente les articles suivants, comme substituts au susdit article ainsi qu'aux articles 138 et 139, savoir :

Art. 137.—L'Université de la Louisiane à la Nouvelle-Orléans sera maintenue ainsi qu'elle est maintenant établie.

Art. 138.—La Législature aura le pouvoir de voter les lois qui seront nécessaires pour régulariser l'Université et pour aider l'avancement de la littérature et des sciences; mais ne sera pas tenue de contribuer au maintien de la dite Université par des allocations.

Sur motion, les susdits articles sont adoptés comme substituts aux articles 137, 138 et 139 de la Constitution.

M. King de St-Landry, au nom du comité sur les Dispositions Transitoires, présente le rapport suivant :

#### TITRE —.

##### DISPOSITIONS TRANSITOIRES.

Art. — La Constitution de mil-huit-cent-quarante-cinq est remplacée par la présente Constitution. Afin qu'elle soit mise en vigueur, il est décrété ce qui suit :

Art. — Tous les droits, toutes les actions, toutes les poursuites, toutes les réclamations et tous les contrats, tant des individus que des corporations, ainsi que toutes les lois en vigueur au moment de l'adoption de cette Constitution et qui n'y sont pas contraires, resteront en force comme si cette Constitution n'eut pas été adoptée.

Art. — Afin qu'il ne résulte aucun préjudice pour le service public de la mise en vigueur de cette Constitution, aucun service ne sera interrompu, et les lois de l'Etat relatives aux devoirs des divers officiers exécutifs, judiciaires et militaires resteront en pleine vigueur, bien que contraire à cette Constitution. Les divers officiers de l'Etat rempliront leurs devoirs respectifs conformément aux lois existantes jusqu'à l'organisation du gouvernement créé par cette Constitution, et jusqu'à l'installation des officiers qui seront nommés sous le nouveau gouvernement.

Art. — Les nominations dépendant, en vertu de cette Constitution, du pouvoir exécutif, seront faites par le Gouverneur qui sera élu sous l'empire de la dite Constitution.

Art. — La Législature devra pourvoir au transfert de toutes les causes présentement pendantes devant la Cour Suprême et les autres Cours de l'Etat, sous l'empire de la Constitution de 1845, dans les Cours créées par cette Constitution ou qui le seront en vertu de quelques-unes de ses dispositions.

Art. — La période de service de tous les officiers nommés par le peuple à la première élection qui aura lieu sous l'empire de cette Constitution, expirera comme si l'élection avait été tenue le premier lundi de novembre 1851 et que ces officiers eussent commencé à exercer leurs fonctions à l'époque qui vient d'être indiquée. Les Sénateurs de la première classe, désignés dans l'article 17, conserveront leur mandat jusqu'à la clôture des élections générales, au mois de novembre 1853; ceux de la seconde classe exerceront leurs fonctions jusqu'à la clôture des élections générales en novembre 1855.

Art. — La première élection des juges de la Cour Suprême aura lieu le premier lundi d'avril prochain [1853], et ils entreront en fonctions le premier lundi de mai 1853.

Art. — La première période de service des avocats de district et des greffiers des Cours inférieures qui doivent être établies en vertu de cette Constitution, sera réglée d'après la période de service du premier Gouverneur, de sorte qu'une nouvelle élection pour la désignation de ces officiers aura lieu le premier lundi de novembre 1855.

#### TITRE XI.

##### ORDONNANCE.

Art.—Immédiatement après l'ajournement de la Convention, le Gouverneur publiera une proclamation dans laquelle il ordonnera aux divers officiers de l'Etat, autorisés par la loi à organiser l'élection des membres de l'Assemblée Générale, d'ouvrir un scrutin dans chaque paroisse de l'Etat, aux endroits indiqués par la loi, le premier mardi de novembre prochain, pour consulter le peuple de l'Etat sur l'adoption ou le rejet



de cette Constitution. Il sera du devoir de ces officiers de recevoir le vote de tous ceux qui, en vertu de l'ancienne Constitution, avaient le droit de voter, et de tous ceux qui le possèdent en vertu de la présente Constitution. Chaque électeur formulera son opinion en déposant dans une boîte distincte affectée exclusivement à cet usage un bulletin où seront écrits ces mots : "Constitution acceptée," ou ceux-ci : "Constitution rejetée," ou bien tout autre terme exprimant clairement l'intention de l'électeur. A la clôture de cette élection qui aura lieu sous tous les rapports comme une élection générale d'Etat, les commissaires qui y auront présidé examineront avec soin et compteront tous les bulletins déposés, puis ils en transmettront le résultat au Secrétaire d'Etat conformément aux dispositions de la loi actuelle sur les élections.

Art. 151—Lorsque le rapport des commissaires sera reçu, ou le cinquième lundi de novembre si le rapport n'est pas reçu plus tôt, il sera du devoir du Gouverneur, du Secrétaire d'Etat, de l'Avocat-Général et du Trésorier d'Etat, de dépouiller, en présence de tous ceux qui voudront assister à cette opération, les votes donnés pour l'adoption ou le rejet de la Constitution. S'il résulte du rapport des Commissaires qu'une majorité des suffrages reçus est en faveur de la ratification de la Constitution, le Gouverneur devra l'annoncer dans une proclamation, et cette Constitution sera dès lors la Constitution de l'Etat de la Louisiane. Mais que cette Constitution soit acceptée ou rejetée, il sera du devoir du Gouverneur de faire publier dans le journal officiel de la Convention le résultat de l'appel au peuple, avec le nombre des voix donnés dans chaque paroisse pour ou contre la Constitution.

Art. 152—Si le peuple accepte cette Constitution, il sera également du devoir du Gouverneur de publier une proclamation dans laquelle il déclarera que la présente Législature élue en vertu de l'ancienne Constitution est dissoute, et ordonnera aux divers officiers de l'Etat, autorisés par la loi à organiser l'élection des membres de l'Assemblée Générale, d'appeler le peuple au scrutin, aux endroits indiqués par la loi, le quatrième lundi de décembre prochain (1852), pour élire un Gouverneur, un Lieutenant-Gouverneur, les Membres de l'Assemblée Générale, le Secrétaire d'Etat, l'Avocat-Général, le Trésorier d'Etat et le Surintendant de l'Instruction Publique.

Cette élection aura lieu, et le rapport en sera fait conformément aux lois actuelles sur les élections d'Etat.

Art. 153—L'Assemblée générale élue en vertu de cette Constitution, se réunira à la Maison d'Etat, à Baton-Rouge, le troisième lundi de janvier 1853. Le Gouverneur et le Lieutenant-Gouverneur élus à la même époque, entreront en fonctions dans la première semaine de session des Chambres, et devront être installés avant que l'Assemblée Générale puisse procéder à ses travaux.

Art. 154—Toutes les publications ordonnées dans cette Constitution, auront lieu dans le journal officiel de la Convention.

Art. 155—Cette Constitution sera publiée en français et en anglais dans le journal officiel de la Convention, à partir du jour de l'ajournement jusqu'au premier mardi de novembre 1852.

Sur motion de M. King, de St Landry, le susdit rapport est adopté sans amendements.

M. King, de St Landry, ayant voté avec la majorité sur l'adoption du substitut présenté par M. Williams, à l'article 133 de la Constitution, en demande la reconsidération, qui est accordée.

Le substitut étant devant la Convention, M. King, de St Landry, propose d'en biffer les mots suivants : "à la première élection générale après l'adoption de cette Constitution et tous les deux ans ultérieurement."

Cette motion prévaut ;

Et sur motion, le substitut ainsi amendé est adopté de nouveau.

M. Todd demande l'assentiment unanime pour que la Convention reprenne la considération du vote donné sur l'adoption du titre 9 de la Constitution : "Amendements à la Constitution."

Cette motion prévaut ;

Et M. Todd propose d'en effacer les mots : "et approuvés par le Gouverneur" ;

Laquelle motion est acceptée ;

Et sur motion, l'article ainsi amendé est adopté.

M. Harris ayant voté avec la majorité sur l'adoption du substitut présenté Par M. Hatch, à l'article 134 de la Constitution, en demande la reprise en considération ;

Laquelle est accordée.

Le substitut étant alors devant la Convention, M. Harris propose de l'amender en insérant les mots : "libres et blancs" après le mot "enfants".

Cette motion prévaut ;

Et sur une seconde motion, l'article ainsi amendé est adopté de nouveau.

M. Sandidge présente ce qui suit, à être inséré sous le titre de "Ordonnance" :

"Reconnaissant le principe, que le vœu du peuple doit toujours être consulté d'une manière précise sur un sujet d'un intérêt aussi universel que celui de l'Instruction Publique, cette Convention, en exigeant que la Législature établisse un tel système, croit qu'il est juste et convenable qu'un peuple qui doit être taxé si fortement pour le soutien du dit système, ait le droit de voter directement sur son adoption. Et à cette fin, le second article sous le titre de "l'Instruction Publique", leur sera soumis à part du reste de la Constitution.

Sur motion l'article ci-dessus est déposé sur le bureau.

Messrs. Sandidge et Todd obtiennent le privilège de faire enregistrer leurs votes contre la motion de déposer sur le bureau l'article présenté par M. Sandidge.

Sur motion de M. Benjamin, la Convention prend un recès jusqu'à 1 heure.

Le temps étant expiré, la Convention est rappelée à l'ordre.

M. Guion présente la résolution suivante, qui sur motion, est adoptée, savoir :



Résolu, que lorsque l'imprimeur aura livré au secrétaire de la Convention et au bibliothécaire, l'ouvrage ordonné, exécuté d'une manière convenable, le président de la Convention est autorisé, (sur le certificat des dits fonctionnaires) à tirer son mandat sur le Trésorier en faveur du dit imprimeur pour la somme qui lui sera alors due, selon le contrat.

M. Byrne présente la résolution suivante :

"Résolu, que le Sergent d'Armes continuera en fonctions pendant le temps qui est alloué au Secrétaire."

M. McIlhenny propose d'amender en insérant le mot "Portier."

M. Connely propose d'insérer le mot "Messager."

M. Cotton fait la motion de déposer la résolution et les amendemens sur le bureau.

Sur cette motion, M. Connely demande l'appel nominal, qui présente le résultat suivant :

Messrs. Avery, Andrews, Anderson de Carroll, Armant, Addison, Bradford, Beale, Boudousquié, Bullard, Carter, Cotton, Connely, Conrad, Delony, Dufour, Dugué, Duffel, Edwards d'Orl., Edwards de Washington, Eustis, Guion, Hatch, Harris, Hargis, Hebert, Hodges, Isaacks, Jourdan, Jones, Key, King de Jackson, Lapeyre, Leefe, Leeds, Le Blanc, Lobdell, Lyle, Mathews de Pte Coupée, Marrero, Mongé, Nicholls, Parham, Palfrey, Paxton, Phillips, Pugh, Rixner, Roselius, Roysden, Ronquillo, Sandidge, Smart, Smith de Winn, Sibley, Simms, Thompson, Todd, Toulouse, Van Wickle, Villeré, Williams, Wittington votent dans l'affirmative—62.

Messrs. Benjamin, Bienvenu, Boyer, Byrne, Castellanos, Campbell, Hunt, Jennings, Joffrion, King de St. Landry, McIlhenny, Mathews d'Orléans, Mather, Preaux, Price, Risk, St. Paul, Staës, Swazey, Shaw, Smith de O. Félic., Smart, Tatman, Taliaferro, Waddill votent dans la négative—25.

Par conséquent la motion prévaut et la résolution et les amendemens sont déposés sur le bureau.

M. King de St Landry présente la résolution suivante, qui sur motion est adoptée :

"Résolu, qu'il sera du devoir de l'imprimeur de la Convention de transmettre un exemplaire du Journal, contenant les débats de la Convention, à chaque membre, tant que durera la dite publication."

M. Benjamin présente la résolution suivante, qui est adoptée.

"Résolu que la durée des fonctions du traducteur des débats soit étendue jusqu'à l'époque allouée au rapporteur, et qu'il soit payé, selon la résolution qui pourvoit au paiement des autres commis."

Sur motion la Convention s'ajourne à ce soir 5 heures.

#### SEANCE DU SOIR.

SAMEDI, 31 Juillet, 1852.

La Convention se réunit conformément à l'ajournement.

L'Hon. D. F. Kenner, président de la Convention occupe le fauteuil et 105 délégués sont présents.

M. Preaux est appelé à occuper le fauteuil.

M. Carter présente la résolution suivante, qui, sur motion, est adoptée à l'unanimité, savoir :

"Résolu, que les remerciemens de cette Convention soient offerts à l'Hon. D. F. Kenner, président de la Convention, pour la manière impartiale, fidèle et habile dont il s'est acquitté de la tâche pénible de présider sur les délibérations de cette Assemblée."

M. Gardère, au nom du Comité des Dépenses casuelles, présente la résolution suivante, qui étant lue, est adoptée, savoir :

"Résolu, que le Président de la Convention est autorisé à ordonner le paiement des comptes suivans :

F. D. Lewis, messenger de la Convention	\$150 00	
J. C. Lanoue, papeterie &c., pour la Convention		191 31
Télégraphe de Morse, pour dépêches		5 75
W. D. Mann, pour avoir fourni de la glace jusqu'au 31 courant		28 56
J. L. Wolff, pour réparations aux pupitres, &c.		22 00
Larguier & Lanoue, divers articles		15 00
Michel Granary, huile, &c.		19 35
L. Exnicios, deux jours de service		12 00
C. L. Marshall, Sergent d'Armes, son bill	\$46 60	
payé par lui pour glacière, &c.	15 75	
Loyer de 4 domestiques	140,00	201 35
A. Regar, pour trois enseignes		6 00
J. B. Haughton, facteur, débours faits par lui		2 15
"Crescent" de la Nouvelle Orléans, 841 exemplaires pendant la session, et 130 exemplaires après l'ajournement		1101 00
Daily Delta,	94 exemplaires	94 00
Democr. Advocate	74 "	74 90
Daily Comet	41 "	41 00
Commerc. Bulletin	37 "	37 00
L'Abeille de la N O	83 "	83 00
Daily True Delta	40 "	40 00
Louisiana Courier	94 "	94 00
Daily Picayune	84 "	84 00
L'Orléanais	17 "	17 00
Gazette de B. R.	14 "	14 00
Laf. Republican	9 "	9 00
South. Democrat	32 "	32 00
C. L. Marshall pour le paiement des journaux suivans, savoir :		
Campaign Union	\$2 00	
Thibodeaux Minerva	1 00	
Concordia Intelligencer	1 00	
Têche Courier	2 00	
La. Spectator	4 00	
Vigilant	1 00	
Red River Republican	1 00	
Pte Coupée Echo	1 00	
La. Statesman	1 00	
Western Democrat	3 00	



Ouachita Register	1 00	
Campaign Republic	1 00	19 00
J. H. Maddox, son bill approuvé par J. B. Walton, secrétaire		393 00
		<hr/> \$2,785 79
Gazette de B. R., pour l'impression des listes des membres et de l'appel nominal, approuvé par J. E. Layet, Secrétaire		75 00
		<hr/> \$2,860 79

M. Jennings présente la résolution suivante, qui est adoptée :

“Résolu que la somme de cent cinquante piastres soit allouée à E. R. Eastin pour avoir achevé le tableau du recensement de 1850, conformément à la demande de la convention”

M. Benjamin, au nom du Comité d'Enrôlement, rapporte la Constitution dûment enrôlée, et prête à recevoir son adoption définitive, savoir :

#### PRÉAMBULE.

Nous, le peuple de l'Etat de la Louisiane, établissons et décrétons cette Constitution.

#### TITRE PREMIER.

##### DISTRIBUTION DES POUVOIRS.

Art. 1er.—Les pouvoirs du gouvernement de l'Etat de la Louisiane sont divisés en trois départements distincts.

Chacun de ces départements est confié à un corps particulier de magistrats.

Le pouvoir législatif est attribué à un corps particulier ; le pouvoir exécutif à un autre corps, et le pouvoir judiciaire à un troisième corps.

Art. 2.—Aucun de ces départements, ni aucune personne remplissant dans l'un d'eux une place quelconque, n'exercera les pouvoirs qui appartiennent en propre à l'un des deux autres, si ce n'est dans les cas indiqués ci-après expressément.

#### TITRE II.

##### POUVOIR LEGISLATIF.

Art. 3.—Le pouvoir législatif de l'Etat est confié à deux Chambres distinctes qui s'appelleront, l'une : Chambre des Représentants, l'autre : Sénat, et qui, réunies, porteront ce titre : Assemblée Générale de l'Etat de la Louisiane.

Art. 4.—Les membres de la Chambre des Représentants exerceront leurs fonctions pendant une période de deux années, à partir de la clôture des élections générales.

Art. 5.—L'élection des Représentants aura lieu tous les deux ans, le premier lundi de novembre, et elle ne durera qu'un jour. L'Assemblée-Générale se réunira annuellement, le troisième lundi de janvier, à moins que cette époque ne soit changée par la loi. La session des Chambres aura lieu au siège du gouvernement.

Art. 6.—Tout électeur reconnu comme tel par cette Constitution, est éligible à l'Assemblée-Générale. Nul ne sera Représentant ou Sénateur si, à l'époque de son élection, il n'est électeur, soit du district représentatif, soit du district sénatorial qui l'a nommé.

Art. 7.—L'élection des membres de l'Assemblée-Générale sera tenue dans les diverses circonscriptions électorales établies par la loi. La Législature peut déléguer le pouvoir d'établir des circonscriptions électo-

rales aux autorités de paroisse ou aux autorités municipales.

Art. 8.—La représentation, à la Chambre des Représentants, sera égale et uniforme. Elle sera réglée sur la base de la population totale de chaque paroisse de l'Etat. Chaque paroisse aura au moins un Représentant. Aucune nouvelle paroisse ne sera créée avec un territoire moindre de six cent vingt-cinq milles carrés, ni avec une population inférieure au chiffre qui lui donnerait droit à un représentant. Il ne sera point non plus créé de nouvelle paroisse quand, par là, une autre paroisse doit être privée de l'étendue de territoire et du chiffre de population exigé comme ci-dessus.

Le premier dénombrement que feront exécuter les autorités de l'Etat, en vertu de cette Constitution, aura lieu en 1853; le second en 1858, et le troisième en 1865. Après cette dernière année, l'Assemblée-Générale indiquera de quelle manière doit être opéré le recensement, pourvu qu'il ait lieu une fois au moins tous les dix ans, afin de constater la population totale de chaque paroisse et de chaque district électoral.

A la première session régulière des Chambres qui suivra chaque dénombrement, la Législature répartira la représentation entre les différentes paroisses et les divers districts électoraux, en prenant pour base la population totale. Un diviseur sera déterminé, et chaque paroisse et district électoral aura le nombre de représentants auquel lui donnera droit sa population totale, et en outre un représentant pour toute fraction qui excédera la moitié du diviseur. Le nombre des représentants ne dépassera pas cent et ne sera pas moindre de soixante-dix. La représentation au Sénat et à la Chambre des Représentants restera comme elle est maintenant établie par la loi, jusqu'à ce que la répartition soit exécutée et que les élections qui la suivront aient lieu, conformément au premier dénombrement ci-dessus ordonné.

Les limites de la paroisse d'Orléans sont agrandies de manière à comprendre toute la ville actuelle de la Nlle-Orléans, y compris cette partie de la paroisse Jefferson, connue autrefois sous le nom de ville de Lafayette.

Toute cette partie de la paroisse d'Orléans, située sur la rive gauche du Mississippi sera divisée par la Législature en dix districts représentatifs au plus ; et jusqu'à ce qu'une nouvelle répartition ait lieu, conformément au premier recensement qui doit s'opérer en vertu de la présente Constitution, cette partie de la ville de la Nlle-Orléans, qui est comprise dans les anciennes limites de la ville de Lafayette, formera le dixième district représentatif, concourra à nommer les Sénateurs de la paroisse d'Orléans et élira deux représentants sur les trois que nommait, conformément à la loi, la paroisse de Jefferson. Les autres districts représentatifs resteront ce qu'ils sont maintenant.

Art. 9.—La Chambre des Représentants nommera son Orateur et ses autres officiers.

Art. 10.—Aura le droit de voter, tout homme libre et blanc, qui a atteint l'âge de vingt-un ans, qui a résidé dans l'Etat durant les douze mois qui ont précédé immédiatement l'élection, et les six derniers dans la paroisse où il se présente pour voter, et qui sera citoyen des Etats-Unis. L'électeur qui sera transporté d'une paroisse dans une autre ne perdra pas le droit qu'il avait de voter dans la première, avant de l'avoir acquis dans la seconde.

Les électeurs ne pourront jamais, sauf les cas de trahison, de crime ou de violation de l'ordre public, être arrêtés lorsqu'ils assistent à une élection, qu'ils se rendent au lieu où elle est tenue, ou qu'ils en reviennent.



Art. 11.—La Legislature ordonnera par une loi speciale, que les noms et le domicile de tous les electeurs de la ville de la Nlle-Orleans soient enregistres, afin qu'ils puissent exercer le droit de suffrage; l'enregistrement ne devra rien coûter à l'electeur.

Art. 12.—Les soldats faisant partie de l'armee des Etats-Unis, les marins et les soldats de marine attaches à la marine de guerre des Etats-Unis, les mendiants, les interdits et les personnes convaincues d'un crime quelconque, entraînant la peine des travaux forces, ne peuvent voter à aucune election tenue dans cet Etat.

Art. 13.—Nul ne peut voter, à une election quelconque, en dehors de la paroisse de sa residence, et, dans les villes et villages divises en circonscriptions electorales, en dehors de la circonscription electorale de sa residence.

Art. 14.—Les membres du Senat seront nommes pour une periode de quatre annees. Le Senat une fois reuni, aura le pouvoir de designer ses officiers.

Art. 15.—Chaque fois que la Legislature repartira la representation à la Chambre des Représentants, elle divisera l'Etat en districts senatoriaux. Aucune paroisse, la paroisse d'Orleans exceptee, ne pourra être divisee pour la formation d'un district senatorial. Quand une nouvelle paroisse sera creee, elle sera annexee au district senatorial d'où provient la plus grande partie de son territoire, ou à un district contigu, au choix de la Legislature; mais elle ne pourra jamais être annexee à plus d'un district. Le nombre des senateurs sera de trente-deux, et ils seront repartis entre les differents districts senatoriaux selon la population totale que renferme chaque district. Neanmoins, aucune paroisse n'aura plus de cinq senateurs.

Art. 16.—Dans toute repartition senatoriale, la population de la Nlle-Orleans sera deduite de la population de tout l'Etat, et le chiffre qui restera sera divise par le nombre vingt-sept. Le resultat obtenu par ce moyen deviendra le diviseur senatorial, lequel donnera à un district senatorial droit à un senateur. Les districts seront formes soit de simples paroisses, soit de paroisses contigues, ayant une population qui devra se rapprocher le plus possible du diviseur representant un Senateur. Si dans la repartition, une paroisse ou un district manque d'un cinquieme de population pour atteindre au diviseur, ou excède ce diviseur dans la proportion d'un cinquieme, il sera permis alors, mais seulement dans ce cas, de former un district qui n'aura pas plus de deux Senateurs. Une fois un Senateur élu, la duree de ses fonctions ne pourra jamais être reduite par suite d'une repartition nouvelle. Lorsque le denombrement de la population aura été accompli, conformement à l'article 8 de cette Constitution, la Legislature ne pourra voter aucune loi avant d'avoir reparti la representation dans les deux Chambres de l'Assemblée-Generale.

Art. 17.—A la première session de l'Assemblée-Generale qui suivra la mise en vigueur de cette Constitution, les Senateurs seront divises au sort et par egales parties en deux classes: le mandat des Senateurs de la première classe expirera à la fin de la seconde annee, et celui des Senateurs de la seconde classe à la fin de la quatrième annee, de sorte que la moitié du Senat sera renouvelee tous les deux ans et qu'une succession reguliere sera maintenue. Quand un district elira deux Senateurs ou plus, ils tireront entre eux au sort et leur mandat respectif expirera selon la classe qui leur est echue, à la fin de la seconde et de la quatrième annee.

Art. 18.—La première election de Senateurs sera generale dans tout l'Etat et aura lieu en même temps que l'election generale des Représentants. Après cette

première election generale, il y en aura une autre tous les deux ans pour remplacer les Senateurs dont le mandat sera expire.

Art. 19.—Chaque Chambre de l'Assemblée Generale devra être en *quorum* pour proceder à ses travaux; une majorite des membres de chaque Chambre constituera le *quorum*. S'il n'y a qu'une minorite presente, elle pourra s'ajourner de jour en jour et sera autorisee par la loi à contraindre les absents à se rendre aux seances.

Art. 20.—Chaque Chambre de l'Assemblée Generale jugera si les conditions requises pour l'election de ses membres ont été remplies. La loi determinera la maniere de proceder, toutes les fois que la validite d'une election sera contestee.

Art. 21.—Chaque Chambre de l'Assemblée Generale aura la faculte d'adopter un règlement, de punir les membres qui violeront l'ordre, et même, à la majorite des deux tiers, d'en ordonner l'expulsion. Cependant, la même faute ne devra jamais être frappee d'un double châtiment.

Art. 22.—Il sera dresse un procès-verbal des deliberations de Chaque Chambre de l'Assemblée Generale, lequel sera publie toutes les semaines. L'appel nominal sera, à la requête de deux membres et quelle que soit la question, inscrit au procès-verbal.

Art. 23.—Chaque Chambre aura la faculte d'ordonner l'emprisonnement de toute personne, ne faisant point partie de la dite Chambre, qui violera l'ordre ou tiendra une conduite inconvenante en sa presence, ou bien qui cherchera à entraver les deliberations. La duree de cet emprisonnement ne depassera pas dix jours pour une seule et même faute.

Art. 24.—Aucune Chambre ne pourra, pendant la session de l'Assemblée Generale, s'ajourner sans le consentement de l'autre pour plus de trois jours, ni changer, sans ce même concours, le lieu de ses seances.

Art. 25.—Les membres de l'Assemblée Generale recevront du trésor public une rémunération pour leurs services, laquelle sera de quatre piastres par jour pendant la durée de la session, y inclus le temps qu'ils mettront pour se rendre au lieu du siége de la Legislature comme pour s'en retourner. La remuneration pourra être augmentee ou reduite par la loi, mais aucun changement n'aura lieu à cet egard tant que le mandat des membres de la Chambre des Représentants qui auront decreté l'augmentation ou la diminution de traitement ne sera point expire.

La durée des sessions legislatives sera bornée à une période de soixante jours à partir de l'ouverture des Chambres; toute mesure votée après cette période sera nulle et de nul effet. Cette disposition ne s'applique pas à la première Legislature qui se réunira après l'adoption de cette Constitution.

Art. 26.—Les membres de l'Assemblée Generale ne pourront jamais, sauf le cas de trahison, de crime ou de violation de l'ordre public, être arrêtés pendant qu'ils remplissent leurs devoirs à la Chambre à laquelle ils appartiennent, ou qu'ils sont en route soit pour se rendre au lieu des sessions, soit pour en revenir. On ne pourra pas, en dehors de la Legislature, leur demander compte des discours qu'ils auront prononcés dans l'une ou l'autre Chambre.

Art. 27.—Les senateurs et representants ne peuvent, durant la période que doit remplir leur mandat ni même dans l'annee qui suivra l'expiration de ce mandat, être nommés ou élus à aucune fonction civile salariée dependant de l'Etat, laquelle aurait été creee ou dont la remuneration aurait été augmentee pendant la durée de leurs fonctions. Ils sont néanmoins éligibles aux places soumises à l'election populaire.



Art. 28.—Aucune personne chargée, à une époque quelconque, de la perception des taxes, soit pour l'Etat, soit pour une paroisse ou une municipalité, ou à qui les deniers publics auront été d'une façon ou d'autre confiés, ne sera éligible à l'Assemblée Générale, à une place salariée ou à un poste honorifique pendant de l'Etat, si elle n'a préalablement obtenu une quittance pour le montant des taxes qu'elle aura perçues ou pour les fonds publics qui lui auraient été confiés.

Art. 29.—Aucun bill ne deviendra loi avant d'avoir été lu à trois jours différents dans chaque Chambre de l'Assemblée Générale et d'avoir été librement discuté. Cependant, en cas d'urgence, la Chambre où le bill est pris en considération, peut, à la majorité des quatre cinquièmes des membres, écarter le règlement si elle le juge à propos.

Art. 30.—La Chambre des Représentants aura seule le droit de proposer les bills dont l'objet est la perception du revenu ; mais le Sénat aura la faculté de proposer des amendements comme pour les bills ordinaires, pourvu que sous prétexte de modification, il n'introduise aucune nouvelle disposition étrangère à la perception du revenu.

Art. 31.—L'Assemblée Générale indiquera par une loi la source d'où émaneront les ordres d'élection pour pourvoir aux vacances qui surviendront dans l'une et l'autre Chambre, ainsi que la manière dont ces ordres seront donnés.

Art. 32.—Le Sénat statuera par *oui* et par *non* sur la confirmation ou le rejet des officiers que le Gouverneur doit nommer avec le concours du Sénat. Les noms des Sénateurs qui voteront pour ou contre une nomination quelconque, seront inscrits dans un journal tenu à cet effet et qui sera publié à la fin de chaque session ou même avant cette époque.

Art. 33.—Les bulletins d'élection des membres de l'Assemblée Générale seront transmis au Secrétaire d'Etat.

Art. 34.—L'année où l'élection régulière d'un Sénateur au Congrès des Etats-Unis doit avoir lieu, les membres de l'Assemblée Générale se réuniront dans l'enceinte de la Chambre des Représentants, le lundi qui suivra l'ouverture de la session législative, et procéderont à cette élection.

### TITRE III. POUVOIR EXÉCUTIF.

Art. 35.—Le pouvoir exécutif suprême est confié à un magistrat qui portera le titre de Gouverneur de l'Etat de la Louisiane, et qui restera quatre ans en fonctions. Le Gouverneur sera élu, ainsi que le Lieutenant-Gouverneur nommé pour la même période, de la manière suivante :

Les électeurs reconnus comme tels, ayant droit de voter à l'élection des Représentants, voteront aussi pour un Gouverneur et un Lieutenant-Gouverneur, à l'époque et à l'endroit où ils votent pour les Représentants. Les bulletins de chaque élection seront scellés et transmis par l'officier chargé de ce devoir au Secrétaire d'Etat, qui les remettra à l'Orateur de la Chambre des Représentants, le deuxième jour de la session de l'Assemblée Générale qui suivra la dite élection. Les membres de l'Assemblée Générale se réuniront dans l'enceinte de la Chambre des Représentants pour examiner et compter les votes. La personne qui aura reçu le plus grand nombre de voix pour la place de Gouverneur sera déclarée dûment élue. Si, néanmoins, deux personnes, ou plus, obtiennent pour la place de Gouverneur un nombre de voix égal, et que le chiffre des suffrages qu'elles ont ainsi reçus soit le plus considérable, l'une d'elle sera immé-

diatement nommée Gouverneur par le vote réuni des membres de l'Assemblée Générale. La personne qui aura reçu le plus grand nombre de voix pour le poste de Lieutenant-Gouverneur sera Lieutenant-Gouverneur ; mais si deux personnes, ou plus, obtiennent pour cette même place un nombre de voix égal et que le chiffre des suffrages qu'elles ont ainsi reçus soit le plus considérable, l'une d'elles sera immédiatement nommée Lieutenant-Gouverneur par le vote réuni des membres de l'Assemblée Générale.

Art. 36.—Nul ne sera éligible à la place de Gouverneur ou de Lieutenant-Gouverneur s'il n'a atteint l'âge de vingt huit ans, s'il n'a été citoyen de l'Etat pendant quatre ans, et s'il n'y a résidé pendant les quatre années qui ont immédiatement précédé son élection.

Art. 37.—Le Gouverneur entrera en fonctions le quatrième lundi du mois de janvier qui suivra immédiatement son élection, et continuera à exercer ses devoirs jusqu'au lundi qui suivra immédiatement le jour que son successeur aura été déclaré dûment élu et aura prêté le serment requis par la Constitution.

Art. 38.—Le Gouverneur ne pourra pas être réélu pour les quatre années qui suivront l'expiration de la période pendant laquelle il aura exercé ses fonctions en cette qualité.

Art. 39.—Aucun membre du Congrès, ni aucune personne remplissant des fonctions dépendant des Etats-Unis, ne sera éligible à la place de Gouverneur ou de Lieutenant Gouverneur.

Art. 40.—Dans le cas où le Gouverneur serait mis en accusation, ou serait mort ou destitué, ou refuserait ou serait incapable d'établir qu'il remplit les conditions requises pour la place, ou aurait donné sa démission, ou se serait absenté de l'Etat, les attributions et les devoirs de sa place passeront au Lieutenant-Gouverneur pour la période inachevée, ou jusqu'à ce que le Gouverneur, absent ou mis en accusation soit de retour ou acquitté. La Législature devra pouvoir aux divers cas de destitution, de mise en accusation, de mort, de démission, de non accomplissement des conditions requises, qui laisseront vacantes les places de Gouverneur et de Lieutenant-Gouverneur, et indiquer l'officier qui remplira les fonctions de Gouverneur. Cet officier en exercera les devoirs jusqu'à ce que les empêchements prévus dans cet article aient cessé, ou jusqu'à l'expiration de la période des quatre années.

Art. 41.—Le Lieutenant-Gouverneur ou tout autre officier remplissant les fonctions de Gouverneur, recevra, pendant son administration, le même traitement qu'aurait touché le Gouverneur s'il fût resté en place.

Art. 42.—Le Lieutenant-Gouverneur sera, en vertu de sa place, président du Sénat ; mais il ne pourra voter que pour départager les suffrages. Lorsqu'il sera appelé à remplacer le Gouverneur ou qu'il ne pourra pas presider le Sénat, les Sénateurs choisiront parmi eux un président par interim.

Art. 43.—Le Lieutenant-Gouverneur, quand il présidera le Sénat, recevra une retribution égale à celle qui aura été allouée pour la même période à l'Orateur de la Chambre des Représentants, et pas davantage.

Art. 44.—Le Gouverneur a le pouvoir d'accorder des sursis pour tout délit commis dans l'Etat. A l'exception du cas d'*impeachment*, il pourra, avec le consentement du Sénat, accorder aux parties condamnées leur pardon et la remise de leurs amendes. Dans les cas de trahison, il pourra accorder un sursis jusqu'à la fin de la session suivante de l'Assemblée Générale, laquelle a seule le pouvoir de pardonner.

Art. 45.—Le Gouverneur recevra, à certaines époques déterminées, une retribution qui ne sera ni aug-



mentee ni diminuée durant la période pour laquelle il aura été élu.

Art. 46.—Le Gouverneur sera le commandant en chef de l'armée et de la marine de cet Etat, ainsi que de la milice, excepté le cas où les forces de la Louisiane seraient appelées au service des Etats-Unis.

Art. 47.—Il nommera, avec le concours du Senat, tous les officiers dont les fonctions sont établies par cette Constitution, et dont le mode de nomination n'est pas autrement indiqué. Cependant la Législature aura le droit de prescrire le mode de nomination à toutes les autres places créées par la loi.

Art. 48.—Le Gouverneur a le pouvoir de nommer aux places qui deviendront vacantes dans l'intervalle des sessions du Senat, et dans ce cas il accordera des commissions qui expireront à la fin de la session suivante, à moins qu'il n'y soit autrement pourvu dans cette Constitution. Aucune personne présentée par le Gouverneur et rejetée par le Senat, ne pourra être nommée aux mêmes fonctions après l'ajournement du Senat.

Art. 49.—Le Gouverneur peut demander des renseignements par écrit aux officiers du département exécutif sur tout ce qui a rapport aux devoirs de leurs charges respectives.

Art. 50.—Il transmettra de temps à autre, à l'Assemblée Générale, toutes les informations nécessaires sur la situation de l'Etat, et appellera son attention sur les mesures qu'il jugera convenables.

Art. 51.—Il peut, dans les conjonctures extraordinaires, convoquer l'Assemblée Générale au siège du gouvernement, ou dans une autre localité, si l'endroit où siège le gouvernement est devenu un séjour dangereux par le voisinage de l'ennemi ou le règne d'une épidémie. Dans le cas où les deux Chambres seront en désaccord sur l'ajournement, le Gouverneur peut les proroger à telle époque qu'il jugera convenable, pourvu que la période ne dépasse pas quatre mois.

Art. 52.—Le Gouverneur veillera à ce que les lois soient fidèlement exécutées.

Art. 53.—Tout bill qui aura été voté par les deux Chambres sera soumis au Gouverneur. S'il l'approuve, il y apposera sa signature ; dans le cas contraire, il le renverra avec ses objections à la Chambre où le projet de loi a pris naissance, et ces objections seront inscrites tout au long dans le procès verbal de la séance. Puis la Chambre reprendra le bill en considération. Si, après cette nouvelle délibération, les deux tiers de tous les membres élus à la dite Chambre s'entendent pour voter le bill, le projet de loi sera transmis, avec les objections du Gouverneur, à l'autre Chambre, qui à son tour le reprendra en considération ; et si le bill est approuvé par les deux tiers de tous les membres élus à cette seconde Chambre, le projet deviendra loi. Dans ces cas, les membres des deux Chambres voteront par oui et par non, et les noms de ceux qui voteront respectivement pour et contre le bill seront inscrits au journal de chaque Chambre. Tout bill qui ne sera pas renvoyé par le Gouverneur dans les dix jours [les dimanches exceptés] qui suivront celui où il aura été présenté, deviendra loi comme si le Gouverneur y avait apposé sa signature, à moins que l'Assemblée Générale, en s'ajournant, ait empêché le renvoi du bill ; dans ce dernier cas, le projet deviendra loi s'il n'est pas envoyé dans les trois premiers jours de la session suivante.

Art. 54.—Tout ordre, toute résolution ou tout vote qui exige le concours des deux Chambres, excepté les propositions d'ajournement, sera soumis au Gouverneur et devra être approuvé par lui avant d'être mis à exécution. Si le Gouverneur refuse sa sanction, le vote des deux tiers des membres élus à chaque

Chambre de l'Assemblée Générale sera nécessaire pour maintenir la mesure.

Art. 55.—Il y aura un Secrétaire d'Etat, qui restera en place pendant toute la période pour laquelle le Gouverneur aura été élu. Les archives de l'Etat seront déposées et conservées dans les bureaux du Secrétaire. Cet officier tiendra un registre de tous les actes officiels du Gouverneur et les certifiera à l'occasion. Il devra, quand il en sera requis, soumettre ce registre, ainsi que tous les papiers et certificats de son bureau, à l'une ou l'autre Chambre de l'Assemblée Générale, et remplir tous les autres devoirs qui lui seront commandés par la loi.

Art. 56.—Il y aura un Trésorier d'Etat qui restera en fonctions pendant deux ans.

Art. 57.—Le Secrétaire d'Etat et le Trésorier d'Etat seront élus par les votants de l'Etat. Dans le cas où l'une de ces places deviendrait vacante par suite de la mort, de la démission, ou de l'absence du Trésorier ou du Secrétaire d'Etat, le Gouverneur ordonnera une élection pour remplir la vacance.

Art. 58.—Toutes les commissions seront accordées au nom de l'Etat de la Louisiane et par son autorité : elles porteront le sceau de l'Etat et la signature du Gouverneur.

Art. 59.—Les hommes libres et blancs de l'Etat seront armés et disciplinés pour la défense du territoire. Ceux à qui leurs croyances religieuses ne permettent point de porter les armes n'y seront pas contraints, mais ils seront tenus de compenser à prix d'argent la perte de leurs services personnels.

Art. 60.—La Législature organisera la milice de l'Etat sur le pied qu'elle jugera convenable.

#### TITRE IV.

##### POUVOIR JUDICIAIRE.

Art. 61.—Le pouvoir judiciaire est confié à une Cour Suprême, à telles Cours inférieures que la Législature jugera convenable de créer et aux Justices de Paix.

Art. 62.—La Cour Suprême, sauf les cas ci-après spécifiés, n'aura qu'une juridiction d'appel, laquelle embrassera toutes les affaires où la valeur de l'objet en litige excèdera la somme de trois cents piastres, et toutes celles où la constitutionnalité ou la légalité d'une taxe, d'un péage, d'un impôt quelconque, ou bien d'une amende, d'une confiscation, ou d'une pénalité infligée par une corporation municipale sera mise en question. La juridiction de la Cour Suprême comprendra, en matière criminelle, la solution des questions de droit seulement, lorsque le crime imputé entraîne la peine de mort ou les travaux forcés, ou encore lorsque l'amende infligée excède trois cents piastres. La Législature aura le droit de restreindre la juridiction de la Cour Suprême, en matière civile, à la solution des questions de droit.

Art. 63.—La Cour Suprême se composera d'un juge-président et de quatre juges-associés dont la majorité constituera un *quorum*. Le juge-président recevra un salaire de six mille piastres, et chacun des juges-associés un salaire de cinq mille cinq cents piastres par an jusqu'à ce qu'il soit autrement pourvu par la loi. La Cour Suprême nommera ses greffiers.

Les juges de la Cour Suprême seront élus pour une période de dix années.

Art. 64.—Le président de la Cour Suprême sera élu par tous les votants de l'Etat. La Législature divisera l'Etat en quatre districts, et les électeurs de chaque district nommeront un des juges-associés. L'Etat, jusqu'à ce que la Législature en ait ordonné autrement, sera divisé de la manière suivante :



## PREMIER DISTRICT.

Paroisses Plaquemines et St Bernard ; la portion de la paroisse d'Orléans située sur la rive droite du Mississippi ; la portion de la ville de la Nouvelle-Orléans comprise au-dessous de la ligne qui s'étend du fleuve en suivant le milieu de la rue Julie jusqu'au canal de la Nouvelle-Orléans, et de là en suivant le dit canal jusqu'au Lac.

## DEUXIEME DISTRICT.

La portion de la ville de la Nouvelle-Orléans située au-dessus de la ligne qui s'étend du fleuve en suivant le milieu de la rue Julie jusqu'au canal de la Nouvelle-Orléans, et de là en suivant le dit canal jusqu'au Lac ; paroisses Jefferson, St Jean-Baptiste, St Charles, St Jacques, Ascension, Assomption, Lafourche-Intérieure, Terrebonne, Ouest-Bâton-Rouge, Iberville.

## TROISIEME DISTRICT.

Paroisses St Tammany, Washington, Livingston, Ste Helène Est-Bâton-Rouge, Est-Feliciana, Ouest-Feliciana, Pointe-Coupee, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, Ste Marie, St Martin St Landry.

## QUATRIEME DISTRICT.

Paroisses Calcasieu, Rapides, Sabine, Natchitoches, De-Soto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll, Winn.

Art 65.—Le mandat de l'un des juges-associés expirera à la fin de la deuxième année ; le mandat d'un autre expirera à la fin de la quatrième année ; celui d'un troisième à la fin de la sixième année ; et celui du quatrième à la fin de la huitième année ; de sorte que tous les deux ans il sera nommé un juge de la Cour Suprême.

Art. 66.—Le Secrétaire d'Etat, après avoir reçu les bulletins officiels de la première élection, s'occupera immédiatement, en présence de deux juges de paix et avec leur coopération, de déterminer, en tirant au sort les noms des quatre candidats qui ont obtenu le plus grand nombre de voix dans leurs districts respectifs, lequel des juges-associés devra se retirer à l'expiration de la 2me année, lequel à l'expiration de la quatrième année, lequel à l'expiration de la sixième année, et lequel enfin à l'expiration de la huitième année. Le Gouverneur émettra les commissions selon que le sort aura prononcé.

Art. 67.—Toute vacance qui surviendra dans la Cour Suprême par suite de démission ou autrement, sera remplie par une élection pour la période inachevée. Cependant si cette période ne dépasse pas une année, le droit de nomination appartiendra au Gouverneur.

Art. 68.—La Cour Suprême siégera à la Nouvelle-Orléans depuis le 1er lundi du mois de novembre jusqu'à la fin du mois de juin inclusivement ; la Législature a le pouvoir d'indiquer les localités où elle devra siéger pendant le reste de l'année. La Cour Suprême tiendra ses sessions comme par le passé jusqu'à ce qu'il y soit autrement pourvu.

Art. 69.—La Cour Suprême, ainsi que chacun des juges qui la composent, a le pouvoir, dans les affaires qui sont du ressort de sa juridiction d'appel, d'émettre des ordres d'*habeas corpus*, à la sollicitation de toute personne arrêtée en vertu d'un ordre judiciaire.

Art. 70.—La majorité des juges composant la Cour Suprême est nécessaire pour que le tribunal rende un arrêt. Lorsque, par suite de la récusation d'un ou de plusieurs membres de la Cour, l'adhésion de la majorité devient impossible, les juges non récusés auront

le droit de s'adresser aux juges des Cours inférieures, lesquels seront tenus de remplacer les juges récusés et de participer à la décision de la cause.

Art. 71.—Les juges sont, en vertu de leur place, conservateurs de la paix dans tout l'Etat. Les ordres ou mandats judiciaires seront précédés de ce titre : "l'Etat de la Louisiane ;" les poursuites criminelles seront dirigées "au nom et par l'autorité de l'Etat de la Louisiane", et seront terminées par cette formule : "en violation de la paix et de la dignité de l'Etat."

Art. 72.—Les juges de toutes les Cours de cet Etat devront, aussi souvent que faire se pourra, dans tout jugement définitif, citer la loi en vertu de laquelle le jugement est rendu ; et dans tous les cas ils devront exposer les motifs sur lesquels est basé leur jugement.

Art. 73.—Les juges de toutes les Cours peuvent être mis en accusation par voie d'*impeachment*. Lorsque cependant leur faute ne sera pas assez grave pour motiver des poursuites aussi rigoureuses, le Gouverneur pourra les destituer purement et simplement à la requête des trois-quarts des membres présents dans chaque Chambre de l'Assemblée Générale. Dans ces cas, la cause qui a provoqué la destitution sera énoncée dans le mémoire de l'Assemblée Générale et insérée au procès-verbal de chacune des Chambres.

Art 74.—Il y aura un Avocat-Général pour l'Etat, et autant d'Avocats de Districts qu'il en faudra selon les circonstances. Ces officiers exerceront leurs fonctions pendant quatre années ; la loi règlera leurs devoirs.

Art. 75.—Les juges de la Cour Suprême et ceux des Cours inférieures recevront, à des époques fixes, un traitement dont le chiffre ne pourra point être diminué tant que leur mandat ne sera pas expiré. Il leur est défendu de recevoir des honoraires ou toute retribution autre que leur traitement pour les devoirs qu'ils sont appelés à remplir.

Art. 76.—La Législature peut autoriser les Greffiers de Cours à émettre tels ordres et à accomplir tels actes qui seront de nature à faciliter l'administration de la justice. Néanmoins les pouvoirs qui sont ainsi accordés aux Greffiers, devront toujours être spécifiés et clairement définis.

Art. 77.—Les juges des diverses Cours inférieures peuvent destituer leurs Greffiers pour inconduite officielle. Mais les Greffiers ainsi destitués peuvent toujours interjeter appel à la Cour Suprême.

Art. 78.—La juridiction des Juges de Paix en matière civile sera bornée aux réclamations dont la valeur ne dépassera pas cent piastres, non compris l'intérêt. Appel pourra être interjeté dans les cas déterminés par la loi. Les juges de Paix seront élus par les votants de chaque paroisse, de chaque district ou de chaque arrondissement, pour une période de deux années, de la manière qui sera prescrite par la loi, et ils exerceront telle juridiction criminelle qui leur sera également attribuée par la loi.

Art. 79.—Les Greffiers des Cours Inférieures de l'Etat seront élus par les votants de chaque paroisse, pour une période de quatre années. S'il se déclare une vacance après l'élection, le Juge de la Cour où cette vacance sera survenue nommera un autre Greffier, et la personne ainsi nommée restera en place jusqu'à l'élection générale suivante.

Art. 80.—Un Shérif et un Coroner seront élus dans chaque paroisse par les votants de la dite paroisse. Ces officiers exerceront leurs fonctions pendant une période de deux années, à moins qu'ils ne soient destitués. La Législature aura le droit d'augmenter le nombre des shérifs dans une paroisse quelconque. Si



une paroisse perd d'une manière ou d'une autre après l'élection, son Sherif ou son Coroner, le Gouverneur nommera à la place vacante, et la personne ainsi nommée exercera les fonctions qui lui sont attribuées jusqu'à ce que l'élection lui ait donné un successeur.

Art. 81.—Les Juges des différentes Cours inférieures seront élus par les votants de leur paroisse ou de leurs districts.

Art. 82.—La Legislature devra fixer l'élection de tous les Juges à une époque distincte de celle fixée pour toute autre élection.

Art. 83.—L'Avocat-General sera élu par les votants de l'Etat, les Avocats de District par les votants de chaque district, en même temps que le Gouverneur de l'Etat.

Art. 84.—La Legislature indiquera de quelle manière doivent être remplacés, quand survient une vacance quelconque, les Juges inférieurs, l'Avocat-General, les Avocats de District et les autres officiers dont le mode de remplacement n'est pas indiqué par la Constitution.

#### TITRE V.

##### POURSUITE PAR VOIE D'IMPEACHMENT.

Art. 85.—Le pouvoir d'ordonner les poursuites par voie d'impeachment est confié à la Chambre des Représentants.

Art. 86.—Lorsque le Gouverneur, le Lieutenant-Gouverneur, l'Avocat-General, le Secrétaire d'Etat, le Trésorier d'Etat et les Juges des Cours inférieures (les Juges de Paix exceptés), seront poursuivis par la voie d'impeachment, ils seront traduits devant le Sénat que présidera en pareille circonstance le Juge-Président ou le Doyen de la Cour Suprême. Les Juges de la Cour Suprême, poursuivis par voie d'impeachment seront également traduits devant le Sénat. Lorsque cette dernière assemblée sera constituée en Haute Cour de Justice, les Sénateurs devront prêter serment, et il ne pourra y avoir de condamnation que moyennant le concours des deux-tiers des Sénateurs présents.

Art. 87.—Les poursuites par voie d'impeachment n'entraîneront d'autre condamnation que la destitution et l'incapacité à jamais remplir des fonctions salariales ou honorifiques dépendant de l'Etat. Néanmoins les parties ainsi condamnées pourront être poursuivies et punies conformément à la loi.

Art. 88.—Les officiers poursuivis par voie d'impeachment ne pourront pas continuer à exercer leurs fonctions tant que dureront les poursuites. Il sera fait par qui de droit une nomination provisoire pour remplacer, jusqu'au dénouement de l'affaire, l'officier ainsi suspendu.

Art. 89.—La Legislature devra pourvoir à la mise en accusation, au jugement et à la destitution de tous les autres officiers de l'Etat, soit selon les formes ordinaires, soit autrement.

#### TITRE VI.

##### DISPOSITIONS GENERALES.

Art. 90.—Les membres de l'Assemblée Générale et tous les Officiers, avant d'exercer les fonctions qui leur sont attribuées, devront prêter le serment suivant :

“Je (A. B.) jure solennellement que je soutiendrai la Constitution des Etats-Unis et la Constitution de cet Etat. Je jure que je remplirai avec exactitude et impartialité, et du mieux qu'il me sera possible, les devoirs qui me sont imposés en qualité de——, conformément à la Constitution et aux lois des Etats-Unis et de cet Etat. Je jure en outre solennellement que depuis l'adoption de la présente Constitution, moi, citoyen des Etats-Unis, je ne me suis point battu en

duel dans cet Etat ni hors de cet Etat, avec un citoyen de cet Etat, et que je n'ai envoyé ni accepté aucun cartel pour me battre en duel avec un citoyen de cet Etat, ni agi comme témoin en portant un cartel, ni aidé, conseillé ou assisté qui que ce soit à l'occasion d'un duel. *Que Dieu me soit en aide.*”

Art. 91.—Quiconque prendra les armes contre l'Etat, ou coopérera avec ses ennemis, ou les favorisera d'une manière ou d'une autre, sera coupable du crime de trahison. Nul ne pourra être convaincu de trahison à moins que deux témoins n'attestent le même fait, ou que la partie accusée ne fasse un aveu en pleine audience.

Art. 92.—Sera à jamais inhabile à exercer des fonctions salariales ou à remplir un poste de confiance dans cet Etat, quiconque aura été convaincu d'avoir mis en œuvre des moyens de corruption pour assurer son élection ou sa nomination.

Art. 93.—Des lois seront faites pour exclure des emplois et priver du droit de suffrage tous ceux qui seront à l'avenir convaincus de subordination, de parjure, de faux, ou de tout autre crime ou délit grave. Le privilège du libre suffrage sera garanti par les lois qui règlent les élections et qui décréteront un châtiment proportionné à la gravité du délit contre quiconque exercera sur les élections une coupable influence au moyen du pouvoir dont il dispose, de la corruption, du désordre, ou de toute autre façon condamnable.

Art. 94.—Nulle somme ne sera tirée du trésor si ce n'est en vertu d'allocations expresses faites par la loi, et aucune allocation ne sera faite pour plus de deux ans. Il sera publié tous les ans un état des recettes et dépenses des deniers publics, de la manière que prescrira la loi.

Art. 95.—L'Assemblée Générale devra voter les lois qu'elle croira nécessaires pour régler les affaires litigieuses soumise à l'arbitrage.

Art. 96.—Tous les Officiers exerçant des fonctions qui dépendent de l'Etat devront résider dans l'Etat, et tous les Officiers de district ou de paroisse, dans leur district ou dans leur paroisse. Ils tiendront leurs bureaux aux endroits indiqués par la loi.

Art. 97.—Tous les Officiers civils, sauf le Gouverneur, les Juges de la Cour Suprême et les juges des Cours inférieures, peuvent être destitués à la requête d'une majorité des membres des deux Chambres, à l'exception toutefois de ces officiers dont le mode particulier de destitution est indiqué par la Constitution.

Art. 98.—Dans toutes les élections par le peuple le vote aura lieu au scrutin, et dans toutes les élections faites par le Sénat et la Chambre des Représentants, collectivement ou séparément, le vote aura lieu de vive voix.

Art. 99.—Les membres du Congrès, les personnes qui exercent des fonctions salariales ou remplissent un poste de confiance, dépendant des Etats-Unis ou d'un Etat quelconque, ou d'une puissance étrangère, ne pourront pas être élus membres de l'Assemblée Générale, ou exercer des fonctions salariales ou honorifiques dépendant de l'Etat.

Art. 100.—Les lois, les archives, les procédures judiciaires, les délibérations législatives seront dirigées et promulguées dans la langue dans laquelle est écrite la Constitution des Etats-Unis.

Art. 101.—Le Secrétaire du Sénat et le Greffier de la Chambre des Représentants, devront savoir l'anglais et le français, et les membres de l'Assemblée Générale pourront prendre la parole dans l'une ou l'autre chambre, en français ou en anglais.

Art. 102.—Le pouvoir de suspendre les lois de cet Etat sera exercée uniquement par la Legislature ou par son autorité.



Art. 103.—Toute poursuite criminelle sera basée sur un acte d'accusation. L'accusé devra être jugé publiquement et sans délai par un jury impartial de la localité. Il ne sera point forcé de s'incriminer lui-même; il aura le droit de se défendre, en personne ou par un conseil, de se faire mettre en présence des témoins et d'exercer les moyens de contrainte qu'il possède dans les tribunaux pour assurer la comparution de ces témoins.

Art. 104.—Toute personne en état d'arrestation sera admise à fournir un cautionnement, moyennant des garanties suffisantes:—Sont exceptées celles qui sont accusées d'un crime capital alors que la preuve du crime est positive ou que les présomptions sont graves, et celles qui sont convaincues d'un crime ou délit quelconque entraînant l'application de la peine de mort ou des travaux forcés. Le privilège de *l'habeas corpus* ne sera jamais suspendu, sauf le cas d'invasion ou de révolte lorsque la sûreté publique le demandera.

Art. 105.—Il ne sera point passé de lois rétroactives ni de lois portant atteinte à l'inviolabilité des contrats. Les droits acquis seront également inviolables; il ne sera permis d'y toucher que pour des motifs d'utilité publique, et en accordant préalablement aux parties une indemnité suffisante.

Art. 106.—La presse est libre. Les citoyens peuvent exprimer librement leurs opinions, par paroles, ou par écrit, sur toutes les questions. Ils ne sont responsables que de l'abus qu'ils feront de cette liberté.

Art. 107.—Le siège du Gouvernement reste fixé à Baton Rouge et ne sera point transporté ailleurs sans le consentement des trois-quarts des membres de chaque Chambre de l'Assemblée Générale.

Art. 108.—L'Etat ne pourra pas souscrire au capital d'une corporation ou d'une compagnie d'actionnaires créée ou établie dans le but de faire des opérations de banque ou pour toute autre fin que celle mentionnée dans l'article suivant, ni faire un prêt à cette corporation ou à cette compagnie, ni engager sa responsabilité en leur faveur.

Art. 109.—La Législature aura le pouvoir de venir en aide aux compagnies ou aux associations d'individus formées dans le but unique d'exécuter des travaux d'améliorations intérieures, situés en tout ou en partie dans l'Etat, mais seulement jusqu'à concurrence d'un cinquième du capital de ces compagnies, soit en souscrivant au capital, soit en leur faisant un prêt ou en émettant des bons. Mais quand un pareil secours sera accordé, il ne sera fait de paiements à la compagnie que dans une proportion égale au versement du reste du capital par les actionnaires de la compagnie. Lorsque l'Etat fera un prêt, la Législature devra exiger des garanties suffisantes, de telle manière qu'elle croira convenable.

Aucune corporation et aucune association d'individus recevant des secours de l'Etat, comme il est ci-dessus mentionné, ne possèdera le privilège de faire des opérations de banque ou d'escompte.

Art. 110.—L'Etat ne contractera point d'engagement comme ci-dessus mentionné, s'il n'y est autorisé par une loi, et si ce n'est pour une entreprise ou un but unique clairement déterminé dans la loi. Cette loi devra être votée par la majorité des membres élus aux deux Chambres de l'Assemblée Générale. Le chiffre total de la dette et des engagements que l'Etat pourra contracter dans l'avenir, en vertu de cet article et de celui qui précède, n'excèdera à aucune époque la somme de huit millions de piastres.

Art. 111.—Toutes les fois que la Législature contractera, pour tout autre motif que celui de repousser

une invasion ou de réprimer une insurrection, une dette dont le montant excèdera cent mille piastres, elle sera tenue de pourvoir, dans la loi qui crée la dette, au moyen d'en acquitter les intérêts et de rembourser le principal à l'échéance. Cette loi ne pourra pas être abrogée avant que le principal et les intérêts aient été intégralement acquittés, à moins que la loi qui l'abroge ne décrète quelque autre moyen pleinement suffisant pour éteindre le principal et l'intérêt de la dette.

Art. 112.—La Législature devra pourvoir au transfert des affaires civiles et criminelles d'une juridiction à une autre.

Art. 113.—Aucune loterie ne sera autorisée par l'Etat: la vente et l'achat de billets de loterie dans les limites de cet Etat sont interdits.

Art. 114.—Aucun divorce ne sera accordé par la Législature.

Art. 115.—Les lois décrétées par la Législature ne pourront embrasser qu'un seul objet, lequel sera exprimé dans le titre.

Art. 116.—Aucune loi ne sera remise en vigueur ou amendée par la simple indication du titre. La loi ainsi remise en vigueur ou la section, ainsi amendée devra être de nouveau décrétée et publiée tout au long.

Art. 117.—La Législature n'adoptera jamais un système de droit ou de code de lois en indiquant d'une manière générale le dit système ou le dit code. Elle doit, dans tous les cas, spécifier les diverses dispositions qu'elle veut décréter.

Art. 118.—Les corporations possédant le privilège de faire les opérations de banque ou d'escompte peuvent être créées soit par des lois spéciales soit en vertu de lois générales. La Législature devra, dans l'un et l'autre cas, ordonner l'enregistrement de tous les billets qui seront émis ou jetés dans la circulation comme équivalent du numéraire. Elle exigera aussi des garanties suffisantes pour le rachat de ces billets en espèces.

Art. 119.—La Législature n'aura pas le pouvoir de sanctionner d'une manière quelconque directement ou indirectement, la suspension des paiements en espèces, soit par un individu, soit par une association ou une corporation qui émet des billets de banque d'une nature quelconque.

Art. 120.—Dans le cas où une banque ou une association faisant les opérations de banque serait en faillite, les détenteurs de billets auront le privilège d'être payés avant les autres créanciers.

Art. 121.—La Législature aura le droit de voter telles lois qu'elle jugera nécessaire pour venir en aide à la Banque des Citoyens, ou la rétablir: les lois déjà votées dans ce but sont pleinement ratifiées. La banque restera cependant soumise aux restrictions contenues dans les articles 119 et 120 de cette Constitution.

Art. 122.—Nul ne remplira ou n'exercera à la fois plus d'une place civile salariée, sauf celle de juge de paix.

Art. 123.—L'impôt sera égal et uniforme dans tout l'Etat. Tous les biens sur lesquels l'impôt est prélevé seront taxés en proportion de leur valeur, laquelle sera déterminée de la manière indiquée par la loi. Aucune classe de propriétés ne sera grevée d'un impôt plus onéreux qu'une autre classe de propriétés d'égale valeur sur lesquelles sera prélevée une taxe. La Législature a le droit de percevoir une taxe sur le revenu, et de frapper d'un impôt toute personne exerçant un métier, une industrie ou une profession quelconque.

Art. 124.—Les citoyens de la Nouvelle-Orléans



ont le droit de nommer les divers officiers publics nécessaires à l'administration et à la police de la ville conformément au mode d'élection prescrit par la Législature. Néanmoins le maire et les recorders sont inéligibles à l'assemblée générale. Le maire, les recorders, les aldermen et les assistants-aldermen recevront du Gouverneur une commission comme juges de paix, et la Législature pourra leur attribuer telle juridiction criminelle qu'elle jugera nécessaire pour la repression des délits secondaires et qu'exigeront la police et le maintien de l'ordre dans la ville.

Art. 125.—La Législature déterminera par la loi dans quels cas les officiers continueront à exercer leurs fonctions jusqu'à ce que leurs successeurs les remplacent régulièrement.

Art. 126.—Tout citoyen de cet Etat qui, après l'adoption de cette Constitution se battra en duel avec un citoyen de cet Etat, ou enverra ou acceptera un cartel pour se battre en duel avec un citoyen de cet Etat, soit dans l'Etat, soit hors de l'Etat, ou qui agira comme témoin, ou qui sciemment aidera d'une manière quelconque les personnes engagées dans un duel, ne pourra occuper aucune place salariée ni aucun poste de confiance, et sera privé du droit de suffrage. Tout officier de l'Etat, tout membre de l'assemblée générale, ou toute autre personne remplissant des fonctions salariées ou un poste de confiance, en vertu de cette Constitution et des lois qui en dépendent deviendra *ipso facto* inhabile à rester en place du moment qu'il aura commis le délit prévu dans cet article. La Législature indiquera de quelle manière cette déchéance sera constatée.

Art. 127.—La Législature, moyennant le consentement des Etats-Unis, a le droit d'étendre l'autorité de cette Constitution et la juridiction de cet Etat à tout territoire acquis par un traité avec un autre Etat ou avec les Etats-Unis.

Art. 128.—Aucune partie des terres concédées par le Congrès à l'Etat de la Louisiane pour lui permettre de construire des levées et autres travaux nécessaires au dessèchement des terrains inondés de l'Etat, ne sera distraite pour être appliquée à un autre but.

Art. 129.—La Constitution et les lois de cet Etat seront promulguées en anglais et en français.

## TITRE VII.

### AMÉLIORATIONS INTÉRIEURES.

Art. 130.—Il y aura un Bureau des Travaux Publics, lequel se composera de quatre commissaires. L'Etat sera divisé par la Législature en quatre districts comprenant, autant que possible, un nombre égal d'électeurs; les votants de chacun de ces districts éliront chacun un commissaire pour une période de quatre années. Deux commissaires, désignés par le sort, sur les quatre qui seront d'abord élus, devront se retirer à l'expiration de la seconde année.

Art. 131.—L'Assemblée Générale, à sa première session après l'adoption de cette Constitution, devra pourvoir à l'élection et à la rétribution des commissaires ainsi qu'à l'organisation du Bureau. Les commissaires qui seront d'abord élus se réuniront au jour fixé par la loi et tireront au sort pour déterminer l'ordre dans lequel expirera leur mandat.

Art. 132.—Les commissaires exerceront une surveillance active et constante sur tous les travaux publics où l'Etat est intéressé, hormis ceux qui sont exécutés par des compagnies d'actionnaires. Ils communiqueront de temps à autre à l'Assemblée Générale leurs vues sur les travaux publics, et suggéreront les mesures qu'ils croiront les plus propres à réaliser avantageusement le but auquel sont destinées les terres inondées que les Etats-Unis ont con-

cédées à cet Etat. Ils nommeront tous les officiers nécessaires aux travaux publics et exerceront tous autres devoirs qui leur seront imposés par la loi.

Art. 133.—Les commissaires pourront être destitués par le vote de la majorité de tous les membres élus à chaque Chambre de l'Assemblée Générale; le motif de la destitution devra être inscrit au journal de chaque Chambre.

Art. 134.—L'Assemblée Générale aura le pouvoir, moyennant le concours des trois cinquièmes des membres élus à chaque Chambre, d'abolir le Bureau des Travaux Publics, quand elle jugera que ce Bureau n'est plus nécessaire.

## TITRE VIII.

### INSTRUCTION PUBLIQUE.

Art. 135.—Il sera élu un surintendant de l'instruction publique qui exercera ses fonctions pendant une période de deux années. Ses devoirs seront prescrits par la loi et il recevra le traitement que fixera la Législature. Néanmoins l'Assemblée Générale pourra, par un vote de la majorité des membres élus aux deux Chambres, abolir la place de Surintendant de l'instruction publique, quand elle jugera que cette place n'est plus nécessaire.

Art. 136.—L'Assemblée Générale établira des écoles gratuites et publiques dans tout l'Etat, et devra pourvoir à leur entretien au moyen d'une taxe générale sur les propriétés ou autrement. Le montant ainsi perçu ou obtenu de toute autre façon, sera distribué entre les différentes paroisses proportionnellement au nombre d'enfants libres et blancs qu'elles renfermeront, et de l'âge indiqué par l'Assemblée Générale.

Art. 137.—Le produit de toutes les terres concédées jusqu'à ce moment par le Congrès des Etats-Unis à cet Etat pour l'entretien des écoles; celui de toutes les terres qui pourront dans l'avenir être concédées ou léguées à l'Etat, sans destination expresse, et dont l'Etat pourra plus tard disposer, ainsi que le produit des successions échues à l'Etat, conformément à la loi, resteront en la possession de l'Etat à titre de prêt et formeront un rente perpétuelle dont l'Etat acquittera annuellement l'intérêt à raison de six pour cent. Cet intérêt joint à celui remis par les Etats-Unis à cet Etat, à titre de dépôt, en vertu d'une loi du Congrès du 23 juin 1836, sera affecté, ainsi que la totalité de la rente des terres non-vendues, à l'entretien des écoles publiques, et cette allocation restera inviolable.

Art. 138.—Le revenu provenant de la vente de toute terre accordée jusqu'à ce moment à cet Etat par le Gouvernement Fédéral, pour l'entretien d'une maison d'éducation, que la vente ait déjà eu lieu ou qu'elle s'accomplisse plus tard, ainsi que le revenu provenant d'une donation quelconque faite à l'Etat dans le but ci-dessus indiqué, formera une rente perpétuelle, dont l'intérêt, à raison de six pour cent par an, sera appliqué à l'entretien d'une institution destinée aux progrès de la littérature, des arts et des sciences. La Législature ne pourra voter aucune loi pour appliquer les fonds ci-dessus mentionnés à un autre but que la création et l'amélioration de l'institution susdite.

Art. 139.—L'Université de la Louisiane, située à la Nouvelle-Orléans, sera maintenue telle qu'elle est maintenant établie.

Art. 140.—La Législature pourra voter les lois qu'elle jugera nécessaires pour réglementer ultérieurement l'Université et favoriser les progrès de la littérature et de la science; elle ne sera cependant pas obligée de concourir par une subvention à l'entretien de l'Université.



## TITRE IX.

## RÉVISION DE LA CONSTITUTION.

Art. 141.—Tout amendement à cette Constitution peut être proposé au Sénat ou à la Chambre des Représentants. Si l'amendement est accepté par les deux tiers des membres élus dans chaque Chambre, il sera inséré au procès-verbal avec le vote par oui et par non, et le Secrétaire d'Etat le fera publier en anglais et en français trois mois avant l'élection générale des Représentants à la Législature, dans un journal au moins, dans toutes les paroisses de l'Etat où il se publie un journal. L'amendement ainsi proposé sera ensuite soumis au peuple à l'élection générale suivante, et s'il est approuvé et ratifié par la majorité des électeurs, il fera dès lors partie de la Constitution. Si plusieurs amendements sont proposés en même temps, ils seront soumis au peuple de manière à ce que les électeurs puissent voter pour ou contre chaque amendement séparément.

## TITRE X.

## DISPOSITIONS TRANSITOIRES.

Art. 142.—La Constitution de mil-huit-cent-quarante-cinq est remplacée par la présente Constitution. Afin qu'elle soit mise en vigueur, il est décrété ce qui suit :

Art. 143.—Tous les droits, toutes les actions, toutes les poursuites, toutes les réclamations et tous les contrats, tant des individus que des corporations, ainsi que toutes les lois en vigueur au moment de l'adoption de cette Constitution et qui n'y sont pas contraires, resteront en force comme si cette Constitution n'eut pas été adoptée.

Art. 144.—Afin qu'il ne résulte aucun préjudice pour le service public de la mise en vigueur de cette Constitution, aucun service ne sera interrompu, et les lois de l'Etat relatives aux devoirs des divers officiers exécutifs, judiciaires et militaires resteront en pleine vigueur, bien que contraires à cette Constitution. Les divers officiers de l'Etat rempliront leurs devoirs respectifs conformément aux lois existantes jusqu'à l'organisation du gouvernement créé par cette Constitution, et jusqu'à l'installation des officiers qui seront nommés sous le nouveau gouvernement.

Art. 145.—Les nominations dépendant, en vertu de cette Constitution, du pouvoir exécutif, seront faites par le gouverneur qui sera élu sous l'empire de la dite Constitution.

Art. 146.—La Législature devra pourvoir au transfert de toutes les causes présentement pendantes devant la Cour Suprême et les autres Cours de l'Etat, sous l'empire de la Constitution de 1845, dans les cours créées par cette Constitution ou qui le seront en vertu de quelque-unes de ses dispositions.

Art. 147.—La période de service de tous les officiers nommés par le peuple à la première election qui aura lieu sous l'empire de cette Constitution, expirera comme si l'élection avait été tenue le 1er lundi de Novembre 1851 et que ces officiers eussent commencé à exercer leurs fonctions à l'époque qui vient d'être indiquée. Les Sénateurs de la première classe, désignés dans l'article 17, conserveront leur mandat jusqu'à la clôture des élections générales au mois de novembre 1853 ; ceux de la seconde classe exerceront leurs fonctions jusqu'à la clôture des élections générales en novembre 1855.

Art. 148.—La première election des juges de la Cour Suprême aura lieu le premier lundi d'avril prochain (1853), et ils entreront en fonctions le premier lundi de mai 1853.

Art. 149.—La première période de service des Avocats de District et des Greffiers des Cours inférieures qui doivent être établies en vertu de cette Constitution, sera réglée d'après la période de service du premier Gouverneur, de sorte qu'une nouvelle election pour la désignation de ces officiers aura lieu le premier lundi de novembre 1855.

## TITRE XI.

## ORDONNANCE.

Art. 150.—Immédiatement après l'ajournement de la Convention, le Gouverneur publiera une proclamation dans laquelle il ordonnera aux divers officiers de l'Etat autorisés par la loi à organiser l'élection des membres de l'Assemblée Générale, d'ouvrir un scrutin dans chaque paroisse de l'Etat, aux endroits indiqués par la loi, le premier mardi de novembre prochain, pour consulter le peuple de l'Etat sur l'adoption ou le rejet de cette Constitution. Il sera du devoir de ces officiers de recevoir le vote, de tous ceux qui, en vertu de l'ancienne Constitution, avaient le droit de voter, et de tous ceux qui le possèdent en vertu de la présente Constitution. Chaque électeur formulera son opinion en déposant dans une boîte distincte affectée exclusivement à cet usage un bulletin où seront inscrits ces mots : " Constitution acceptée," ou ceux-ci : " Constitution rejetée," ou bien tout autre terme exprimant clairement l'intention de l'électeur. A la clôture de cette election qui aura lieu sous tous les rapports comme une election générale d'Etat, les commissaires qui y auront présidé examineront avec soin et compteront tous les bulletins déposés, puis ils en transmettront le résultat au Secrétaire d'Etat conformément aux dispositions de la loi actuelle sur les elections.

Art. 151. Lorsque le rapport des Commissaires sera reçu, ou le cinquième lundi de novembre si le rapport n'est pas reçu plus tôt, il sera du devoir du Gouverneur, du Secrétaire d'Etat, de l'Avocat-Général et du Trésorier d'Etat, de dépouiller, en présence de tous ceux qui voudront assister à cette opération, les votes donnés pour l'adoption ou le rejet de la Constitution. S'il résulte du rapport des Commissaires qu'une majorité des suffrages reçus est en faveur de la ratification de la Constitution, le Gouverneur devra l'annoncer dans une proclamation, et cette Constitution sera dès lors la Constitution de l'Etat de la Louisiane. Mais que cette Constitution soit acceptée ou rejetée, il sera du devoir du Gouverneur de faire publier dans le journal officiel de la Convention le résultat de l'appel au peuple, avec le nombre des voix donnés dans chaque paroisse pour ou contre la Constitution.

Art. 152. Si le peuple accepte cette Constitution, il sera également du devoir du Gouverneur de publier une proclamation dans laquelle il déclarera que la présente législature élue en vertu de l'ancienne Constitution est dissoute et ordonnera aux divers officiers de l'Etat, autorisés par la loi à organiser l'élection des membres de l'Assemblée Générale, d'appeler le peuple au scrutin, aux endroits indiqués par la loi, le quatrième lundi de décembre prochain (1852,) pour élire un Gouverneur, un Lieutenant-Gouverneur, les membres de l'Assemblée Générale, le Secrétaire d'Etat, l'Avocat-Général, le Trésorier d'Etat et le Surintendant de l'instruction publique. Cette election aura lieu et le rapport en sera fait conformément aux lois actuelles sur les elections d'Etat.

Art. 153. L'Assemblée Générale élue en vertu de cette Constitution se réunira à la Maison d'Etat, à Bâton-Rouge, le troisième lundi de janvier 1853.



Le gouverneur et le lieutenant-gouverneur élus à la même époque entrèrent en fonctions dans la première semaine de session des Chambres, et devront être installés avant que l'Assemblée Générale puisse procéder à ses travaux.

Art. 154. Toutes les publications ordonnées dans cette Constitution auront lieu dans le journal officiel de la Convention.

Art. 155. Cette Constitution sera publiée en français et en anglais dans le journal officiel de la Convention, à partir du jour de l'ajournement jusqu'au premier mardi de novembre 1852.

Fait à Baton Rouge, le trente et unième jour du mois de Juillet de l'année de notre seigneur mil-huit-cent-cinquante-deux.

Sur motion de M. Benjamin la Constitution, telle qu'elle est enrolée, est lue article par article, et sur motion du même délégué l'appel nominal est fait sur son adoption, savoir :

Honorable D. F. Kenner, président de la Convention.

Messrs. Akenhead, Avery, Andrews, Anderson de Carroll, Armant, Bradford, Benjamin, Bernard, Beale, Beard, Bienvenu, Brother, Boyer, Bullard, Buisson, Byrne, Castellanos, Carter, Campbell, Cotton, Connely, Conrad, Dalferes, Delony, Douglass, Dufour, Dugué, Duffel, Edwards d'Orléans, Edwards de Washington, Eggleston, Eustis, Gardère, Guion, Hatch, Harris, Hargis, Herron, Hernandez, Hough, Hodges, Hunt, Jennings, Jourdan, Jones, Key, King de St. Landry, Lapeyre, Leefe, Leeds, Le Blanc, Lobdell, Lyle, McIlhenny, Mc Millen, Mathews d'Orléans, Mathews de Pte Coupée, Marrero, Martin, Mongé, Nicholls, Parham, Palfrey, Paxton, Patterson, Preaux, Price, Phillips, Pugh, Reeves, Rixner, Risk, Roselius, Roman, Ronquillo, St. Paul, Staës, Swazey, Shaw, Scarborough, Shelton, Smith d'O. FéL., Sibley, Simms, Smart, Tatman, Talbot, Taliafero, Thompson, Todd, Toulouse, Van Wickle, Villeré, Waddill, Wittington, Wilcoxon votent dans l'affirmative—98.

Messrs. Farmer, Isaacks, King de Jackson, Pearce, Richardson de Oua., Sandidge, Smart, Smith de Winn votent dans la négative—8

Par conséquent, la Constitution est adoptée et le Président l'a déclaré.

M. Smart présente ses raisons pour avoir voté contre l'adoption de la Constitution, et obtient qu'elles soient insérées dans le Journal, savoir :

"Je vote *non*, parceque, dans mon opinion, la base de la population totale ainsi qu'elle est établie dans cette Constitution, met l'Africain et le Blanc de niveau, en ce qui regarde la représentation dans l'Assemblée Générale—lequel est un principe que je ne puis sanctionner."

(Signé)

JOHN R. SMART.

M. Parham soumet les lettres de créance de M. Wm. Perkins, délégué, représentant de la paroisse de Madison, en remplacement de M. A. Snyder, résigné.

Les délégués suivants présentent par écrit l'explication de leurs votes sur l'adoption de la Constitution, savoir :

"Je vote *oui*, non parce que j'admire la nou-

velle Constitution dans tous ses détails, mais parceque je la préfère à celle de 1845."

(Signé)

R. A. HARGIS.

Je désire faire savoir que je suis fortement opposé à quelques unes des dispositions de cette Constitution; mais comme elle doit être soumise au peuple, et comme l'article sur les amendemens offre plus de facilité à son changement, je vote *oui* sur son adoption.

(Signé)

DELONY.

M. Preaux présente la résolution suivante qui est adoptée :

"Résolu que les remerciements de cette Convention soient offerts aux prédicateurs qui ont journellement ouvert nos séances en invoquant les bénédictions de l'Etre Suprême sur les travaux de cette Convention."

M. Herron présente la résolution suivante, qui sur motion est adoptée :

"Résolu, que tous les membres absents pourront signer la Constitution d'ici à l'expiration de trois mois, de cette date."

M. Richardson d'Ouachita, présente la résolution suivante, qui, sur motion, est adoptée à l'unanimité, savoir :

"Résolu que les remerciements de cette Convention soient offerts à M. J. B. Walton, pour la manière satisfaisante dont il s'est acquitté de ses devoirs.

Sur motion de M. Carter, la Convention a ordonné que les noms des délégués soient appelés par ordre alphabétique, afin que les dits membres apposent leurs signatures à la Constitution.

Les délégués suivants se sont présentés, et ont signé la Nouvelle Constitution, savoir :

L'HONORABLE DUNCAN F. KENNER, Délégué Sénatorial de St Jean Baptiste et d'Ascension, Président de la Convention;

Akenhead, de St Landry; Avery, d'Orléans; Andrews, d'Orléans; Anderson, de Carroll; Armant, de St Jacques; Addison, de Livingston; Bradford, d'Orléans; Bartlett, de Natchitoches; Benjamin, d'Orléans, (Délégué Sénatorial); Bernard, de Lafourche-Intérieure; Beale, d'Est-Baton-Rouge; Beard, de Catahoula; Bienvenu, de Plaquemines, de St Bernard et d'Orléans, (rive droite); Brother, d'Orléans; Boudousquie, de St Jean Baptiste; Boyer, d'Avoyelles; Bullard, de Natchitoches et de Winn, (Délégué Sénatorial); Buisson, d'Orléans; Byrne, d'Orléans; Castellanos, d'Orléans; Carter d'Est-Féliciana; Campbell, de Natchitoches; Collens, d'Orléans; Cotton, de Jefferson; Connely, de Terre-Bonne; Conrad, d'Est-Baton-Rouge; Dalferes, d'Assomption; Delony, d'Est-Féliciana; Douglass, de Caddo; Dufour, d'Orléans, (Délégué Sénatorial); Dugué, de Jefferson et de St Charles, (Délégué Sénatorial); Duffel, d'Ascension; Edwards, d'Orléans; Edwards, de Washington; Eggleston, d'Orléans; Eustis, d'Orléans; Farmer, d'Union; Gardère, de Jefferson et de St Charles; Guion, d'Assomption, de Lafourche-Intérieure et de Terre-Bonne; Hatch, de St Hélène; Hayes, d'Orléans; Harris, de Claiborne; Hargis, de Claiborne; Herron, d'Est-Baton-Rouge et de Livingston; Hébert, d'Iberville;



Hernandez, d'Orléans ; Hough, de Caldwell ; Hodges, de Bossier ; Hunt, d'Orléans ; Isaacks, de Rapides ; Jennings, d'Orléans ; Jourdan, de Jefferson ; Jones, de St Tammany ; Key, de Lafourche-Intérieure ; King, de St Landry ; King, de Jackson ; Lapeyre, d'Orléans ; Leefe, d'Orléans ; Leeds, d'Orléans ; Le Blanc, d'Assomption ; Lobdill, d'Ouest-Baton-Rouge ; Lyle, d'Iberville et d'Ouest-Baton-Rouge ; McIlhenny, d'Orléans ; McMillen, de De Soto ; Mathews, d'Orléans ; Mathews, de Pointe-Coupée ; Marrero, de St Bernard ; Martin, de St Landry ; Mather, de St Jacques ; Monge, de St Martin ; Nicholls, de St Martin ; Parham, de Madison et de Carroll ; Palfrey, de Ste Marie ; Paxton, de Lafayette ; Patterson, d'Est-Féliciana ; Preaux, d'Orléans ; Price, d'Orléans ; Phillips, d'O -Fel. ; Pugh, d'Assomption ; Reeves, de Tensas ; Richardson, d'Ouachita, de Morehouse, d'Union et de Jackson ; Richardson, de Ste Marie ; Rixner, de St Charles ; Risk, d'Orléans ; Rosélius, d'Orléans, ( Délégué Sénatorial ) ; Roman, de St Jean Baptiste, de St Jacques et d'Ascension ; Ronquillo, de Plaquemines ; Sandidge, de Claiborne, de Bossier et de Bienville ; St Paul, d'Orléans ; Staës, d'Orléans ; Smart, de Sabine ; Swazey, de St Landry ; Shaw, de Concordia ; Scarborough, d'Ouachita ; Shelton, de Franklin ; Smith, d'Ouest-Féliciana ; Smith, de Winn ; Sibbey, d'Avoyelles et de Rapides ; Simms, de Pointe-Coupée ; Stewart, d'Iberville et d'Ouest-Baton-Rouge ; Perkins, de Madison ; Tatman, de St Landry et de Calcasieu ; Talbot, d'Iberville ; Thompson, de Ste Hélène, de Washington et de St Tammany ; Todd, de Morehouse ; Toulouse, de Lafayette ; Van Wickle, de Pointe-Coupée ; Villeré, de Plaquemines ; Waddill, de Rapides et d'Avoyelles ; Williams, de Lafourche-Intérieure ; Wittington, de Rapides ; Wilcoxon, de Vermillion—113.

M. Hunt fait la motion d'ajourner *sine die*.

Avant de mettre cette question aux voix, le Président prend la parole en ces termes :

Permettez-moi, Messieurs, de vous adresser quelques mots de remerciements et de félicitations. Je vous félicite sur la conclusion heureuse de vos travaux. Vous avez été, décidément, une Assemblée travailleuse, et il en est résulté qu'en moins de vingt-cinq jours, dans une saison improprie à aucun travail mental, vous avez modelé

de nouveau la loi organique de l'Etat d'une manière qui vous fera honneur et qui ajoutera à la prospérité de votre pays. Il a été dit que le plus grand témoignage de confiance qu'un homme peut conférer sur son semblable est de l'investir du pouvoir législatif ; si cela est, combien grande a dû être la confiance placée en vous, en vous conférant le pouvoir d'établir une loi organique qui doit servir de guide au pouvoir législatif ! L'importance de cette mission a été sentie par vous, et l'ardeur avec laquelle vous vous en êtes acquittés sera dûment appréciée par vos constituants. La Constitution que vous venez d'adopter ne sera peut-être pas acceptable à toutes sections, mais sera reçue, comme tout ensemble, avec reconnaissance, et recevra l'approbation d'une grande majorité des habitants de l'Etat.

Je viens de vous dire qu'un siège dans cette Convention était un poste d'honneur et de responsabilité. Combien est grande, donc la responsabilité de la position dont vous m'avez honoré, comme Président de votre Assemblée—honneur qui a dépassé les limites de mon ambition, et dont l'importance a toujours été présente à ma mémoire. En prenant mon siège, je vous avais promis zèle et fidélité, et une stricte impartialité dans l'exercice de mes fonctions.

J'ai fait mon possible pour obéir à ma promesse ; avec quel succès, messieurs, c'est à vous de juger. Agréez mes remerciements pour les termes agréables dont vous vous êtes servis pour exprimer ce jugement dans la résolution qui vient d'être adoptée par la Convention, et qui est si flatteuse pour moi. Je ne puis m'empêcher de vous rendre grâces pour l'indulgence et le respect avec lesquels vous avez toujours écouté et obéi aux décisions du Président.

Vous allez vous séparer, messieurs—plusieurs d'entre vous ne vous reverrez jamais. Puissent la santé et le bonheur vous suivre partout ; puissiez-vous vivre long-temps pour voir notre Etat prospérer, et commander le respect des autres Etats de l'Union.

Messieurs, il est de mon devoir, conformément à la volonté que vous venez d'exprimer, d'annoncer que cette Convention est ajournée *sine die*.

La Convention s'ajourne alors à dix heures du soir.











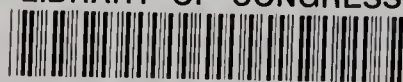








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